

GENERAL ASSEMBLY OF NORTH CAROLINA



SPECIAL PROVISIONS HOUSE APPROPRIATIONS, JUSTICE AND PUBLIC SAFETY REPORT

AUGUST 4, 2021

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GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-AOC-H2(S16.1)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

COLLECTION OF WORTHLESS CHECKS

SECTION 16.1. Notwithstanding the provisions of G.S. 7A-308(c), the Judicial Department may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2021, for the purchase or repair of office or information technology equipment during the 2021-2022 fiscal year and may use any balance remaining in the Collection of Worthless Checks Fund on June 30, 2022, for the purchase or repair of office or information technology equipment during the 2022-2023 fiscal year. Prior to using any funds under this section, the Judicial Department shall report to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the Office of State Budget and Management on the equipment to be purchased or repaired and the reasons for the purchases.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-AOC-H3(S16.2)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

MAGISTRATE/CLERK STAFFING PILOT PROJECT

SECTION 16.2.(a) Notwithstanding the minimum staffing number in G.S. 7A-133(c), the clerk of superior court in a county, with the written or emailed consent of the chief district court judge, may hire one deputy or assistant clerk in lieu of one of the magistrate positions allocated to that county. To provide accessibility for law enforcement and citizens, the clerk of superior court's office shall provide some of the services traditionally provided by the magistrates' office during some or all of the regular courthouse hours.

SECTION 16.2.(b) The Administrative Office of the Courts shall report by March 1, 2022, to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety regarding all hires made pursuant to subsection (a) of this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-AOC-H4(S16.3)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

DISTRICT ATTORNEYS/NO TRANSFER OF FUNDS

SECTION 16.3. No Transfer of Funds. – For each year of the 2021-2023 fiscal biennium, no funds may be transferred from Fund Code 12000-1600 (Office – District Attorney) without the consent of the Conference of District Attorneys as communicated by the Conference's Executive Director to the Administrative Office of the Courts.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-AOC-H5(S16.4)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

WAIVE EXPUNCTION COSTS FOR VICTIMS OF HUMAN TRAFFICKING

SECTION 16.4.(a) G.S. 15A-145.9 is amended by adding a new subsection to read:

"(k) Costs Waived. – The costs of expunging the records shall not be taxed against the petitioner."

SECTION 16.4.(b) This section becomes effective December 1, 2021, and applies to expunction costs incurred on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

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SPECIAL PROVISION



2021-AOC-H6(S16.5)-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

ESTABLISH AND SUPPORT VETERANS TREATMENT COURT PILOT PROGRAMS

SECTION 16.5.(a) Veterans Treatment Court Pilot Programs. – The Administrative Office of the Courts, in coordination with the District Attorney's Offices in Cumberland County and Onslow County, shall establish pilot programs that create Cumberland County and Onslow County veterans treatment courts, as governed by Article 62 of Chapter 7A of the General Statutes.

SECTION 16.5.(b) Report. – The Administrative Office of the Courts shall report to the Joint Legislative Oversight Committee on Justice and Public Safety on the results of the pilot programs referenced in subsection (a) of this section no later than February 1, 2023, with an interim report, and no later than February 1, 2024, with a final report.

SECTION 16.5.(c) Policy. – It is the intent of the General Assembly that appropriations made in this act to aid Cumberland County and Onslow County to create and operate veterans treatment courts are made on a one-time basis for the 2022-2023 fiscal year and other funding sources should be sought to fund this program in future fiscal years.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

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SPECIAL PROVISION



2021-AOC-H8(S16.7)-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

**MODIFY DISTRICT COURT JUDGE NUMBERS, DISTRICTS, AND RESIDENCY
REQUIREMENTS AND ADD MAGISTRATES TO UNION COUNTY**

SECTION 16.7.(a) G.S. 7A-133 reads as rewritten:

**"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of
court, by counties.**

(a) Each district court district shall have the numbers of judges as set forth in the
following table:

<u>District</u>	<u>Judges</u>	<u>County</u>
1	5	Camden
		Chowan
		Currituck
		Dare
		Gates
		Pasquotank
		Perquimans
2	4	Martin
		Beaufort
		Tyrrell
		Hyde
		Washington
3A	6	Pitt
3B	<u>6</u>	Craven
		Pamlico
		Carteret
4	9	Sampson
		Duplin
		Jones
		Onslow
5	9	New Hanover
		Pender
6	4	Northampton
		Bertie
		Hertford
		Halifax
7	7	Nash
		Edgecombe
		Wilson
8	6	Wayne
		Greene
		Lenoir
9	5	Granville

1			(part of Vance
2			see subsection
3			(b))
4			Franklin
5			Person
6	9B	2	Warren
7			(part of Vance
8			see subsection (b))
9	10A	3	(part of Wake
10			see subsection (b))
11	10B	3	(part of Wake
12			see subsection (b))
13	10C	3	(part of Wake
14			see subsection (b))
15	10D	5	(part of Wake
16			see subsection (b))
17	10E	3	(part of Wake
18			see subsection (b))
19	10F	3	(part of Wake
20			see subsection (b))
21	11	11	Harnett
22			Johnston
23			Lee
24	12	10	Cumberland
25	13	6	Bladen
26			Brunswick
27			Columbus
28	14	7	Durham
29	15A	4	Alamance
30	15B	5	Orange
31			Chatham
32	16A	4	Scotland
33			Anson
34			Richmond
35	16B	6	Robeson
36	17A	4	Caswell
37			Rockingham
38	17B	4	Stokes
39			Surry
40	18	14	Guilford
41	19A	6	Cabarrus
42	19B	5	Randolph
43	19C	5	Rowan
44	19D	4	Hoke
45			Moore
46	20A	3	Montgomery
47			Stanly
48	20B	4	(part of Union
49			see subsection
50			(b))
51	20C	2	(part of Union

1			see subsection
2			(b))
3	20D 20B	<u>25</u>	Union
4	21	11	Forsyth
5	22A	6	Alexander
6			Iredell
7	22B	6	Davidson
8			Davie
9	23	4	Alleghany
10			Ashe
11			Wilkes
12			Yadkin
13	24	4	Avery
14			Madison
15			Mitchell
16			Watauga
17			Yancey
18	25	10	Burke
19			Caldwell
20			Catawba
21	26	21	Mecklenburg
22	27A	7	Gaston
23	27B	6	Cleveland
24			Lincoln
25	28	7	Buncombe
26	29A	4	McDowell
27			Rutherford
28	29B	<u>45</u>	Henderson
29			Polk
30			Transylvania
31	30	<u>67</u>	Cherokee
32			Clay
33			Graham
34			Haywood
35			Jackson
36			Macon
37			Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

- ...
- (3) ~~District Court District 20C consists of the remainder of Union County not in District Court District 20B.~~
- (4) ~~District Court District 20B consists of Precinct 01: Tract 204.01: Block Group 2: Block 2040, Block 2057, Block 2058, Block 2060, Block 2061, Block 2062, Block 2064, Block 2065; Tract 204.02: Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3000, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007,~~

~~Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013,
Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019,
Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025,
Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031,
Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037,
Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043,
Block 3044, Block 3045, Block 3046, Block 3047; Block Group 4: Block
4035, Block 4054, Block 4055; Precinct 02: Tract 205: Block Group 1: Block
1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block
1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block
1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block
1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1037, Block
1038; Block Group 2: Block 2081, Block 2082, Block 2092, Block 2099,
Block 2100, Block 2101, Block 2102; Tract 206: Block Group 3: Block 3036,
Block 3038, Block 3039, Block 3040, Block 3048; Block Group 4: Block
4053; Precinct 03, Precinct 04, Precinct 06: Tract 202.02: Block Group 1:
Block 1012, Block 1013, Block 1014, Block 1015, Block 1017, Block 1018,
Block 1021, Block 1022, Block 1023; Tract 204.01: Block Group 2: Block
2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block
2033, Block 2034, Block 2035, Block 2036, Block 2041, Block 2042, Block
2043, Block 2044, Block 2045, Block 2056, Block 2063, Block 2999; Precinct
08, Precinct 09, Precinct 10, Precinct 13, Precinct 23: Tract 206: Block Group
4: Block 4051; Precinct 25: Tract 206: Block Group 4: Block 4036; Precinct
34, Precinct 36, Precinct 43 of Union County.~~

...

The names and boundaries of voting tabulation districts specified for Wake County, and Vance County in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. Precinct boundaries for Union County are those shown on the Legislative Services Office's redistricting computer database on January 1, 2005; and for other counties are those reported by the United States Bureau of the Census under Public Law 94-171 for the 1990 Census in the IVTD Version of the TIGER files.

...

(b8) The qualified voters of District Court District 30 shall elect all judges established for District 30 in subsection (a) of this section, but only persons who reside in Cherokee, Clay, Graham, or Macon County may be candidates for one of the judgeships.

...."

SECTION 16.7.(b) G.S. 7A-133(c) reads as rewritten:

(c) Each county shall have the numbers of magistrates and additional seats of district court, as set forth in the following table:

County	Magistrates Min.	Additional Seats of Court
Camden	3	
Chowan	3	
Currituck	3	
Dare	4	
Gates	2	
Pasquotank	4	
Perquimans	3	
Martin	3	
Beaufort	4	
Tyrrell	3	

1	Hyde	3.5	
2	Washington	3	
3	Pitt	10.5	Farmville
4			Ayden
5	Craven	8	Havelock
6	Pamlico	3	
7	Carteret	6	
8	Sampson	5	
9	Duplin	4	
10	Jones	2	
11	Onslow	11	
12	New Hanover	11	
13	Pender	3.8	
14	Halifax	7	Roanoke Rapids,
15			Scotland Neck
16	Northampton	3	
17	Bertie	3	
18	Hertford	3	
19	Nash	9	Rocky Mount
20	Edgecombe	7	Rocky Mount
21	Wilson	7	
22	Wayne	9	Mount Olive
23	Greene	3	
24	Lenoir	7	La Grange
25	Granville	5	
26	Vance	6	
27	Warren	3	
28	Franklin	4	
29	Person	4	
30	Caswell	3	
31	Wake	18.5	Apex, Wendell,
32			Fuquay-Varina,
33			Wake Forest
34	Harnett	8	Dunn
35	Johnston	10	Benson,
36			Clayton,
37			Selma
38	Lee	5	
39	Cumberland	19	
40	Bladen	3	
41	Brunswick	8	
42	Columbus	5	Tabor City
43	Durham	13	
44	Alamance	12	Burlington
45	Orange	7	Chapel Hill
46	Chatham	4	Siler City
47	Scotland	5	
48	Hoke	3	
49	Robeson	12	Fairmont,
50			Maxton,
51			Pembroke,

1			Red Springs,
2			Rowland,
3			St. Pauls
4	Rockingham	7	Reidsville,
5			Eden,
6			Madison
7	Stokes	3	
8	Surry	6	Mt. Airy
9	Guilford	24.4	High Point
10	Cabarrus	9	Kannapolis
11	Montgomery	3	
12	Randolph	9	Liberty
13	Rowan	9	
14	Stanly	5	
15	Union	79	
16	Anson	3	
17	Richmond	5	Hamlet
18	Moore	5	Southern
19			Pines
20	Forsyth	15	Kernersville
21	Alexander	3	
22	Davidson	8	Thomasville
23	Davie	3	
24	Iredell	9	Mooresville
25	Alleghany	2	
26	Ashe	3	
27	Wilkes	6	
28	Yadkin	3	
29	Avery	3	
30	Madison	3	
31	Mitchell	3	
32	Watauga	4	
33	Yancey	3	
34	Burke	5.6	
35	Caldwell	6	
36	Catawba	10	Hickory
37	Mecklenburg	26.50	
38	Gaston	17	
39	Cleveland	7	
40	Lincoln	5	
41	Buncombe	15	
42	Henderson	6.5	
43	McDowell	3	
44	Polk	3	
45	Rutherford	6	
46	Transylvania	3	
47	Cherokee	3	
48	Clay	2	
49	Graham	2	
50	Haywood	5	Canton
51	Jackson	3	

1 Macon

3

2 Swain

3."

3 **SECTION 16.7.(c)** The judicial residency requirement for District Court District 30
4 created in subsection (a) of this section shall apply to the judgeship added to District Court
5 District 30 in subsection (a) of this section.

6 **SECTION 16.7.(d)** Subsection (b) of this section becomes effective January 1, 2022.
7 The remainder of this section becomes effective January 1, 2025, and elections conducted in
8 2024 shall be held accordingly.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-AOC-H9(S16.8)-P

Administrative Office of the Courts House Appropriations, Justice and Public Safety

MODIFY ASSISTANT DISTRICT ATTORNEY ALLOCATION

SECTION 16.8. G.S. 7A-60(a1) reads as rewritten:

"(a1) (Effective January 1, 2021 through December 31, 2022) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

<i>Prosecutorial District</i>	<i>Counties</i>	<i>No. of Full-Time Asst. District Attorneys</i>
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	12
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12 13
4	Carteret, Craven, Pamlico	13 14
5	Duplin, Jones, Onslow, Sampson	20
6	New Hanover, Pender	20
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19 20
9	Greene, Lenoir, Wayne	15 16
10	Wake	42 43
11	Franklin, Granville, Person Vance, Warren	15 16
12	Harnett, Lee	12
13	Johnston	14 12
14	Cumberland	25
15	Bladen, Brunswick, Columbus	15
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
20	Robeson	13
21	Anson, Richmond, Scotland	9 10
22	Caswell, Rockingham	9
23	Stokes, Surry	8
24	Guilford	35 39
25	Cabarrus	10
26	Mecklenburg	58
27	Rowan	9
29	Hoke, Moore	9

1	28	Montgomery, Stanly	6
2	30	Union	11
3	31	Forsyth	27
4	32	Alexander, Iredell	13 14
5	33	Davidson, Davie	12 13
6	34	Alleghany, Ashe, Wilkes,	9
7		Yadkin	
8	35	Avery, Madison, Mitchell,	8
9		Watauga, Yancey	
10	36	Burke, Caldwell, Catawba	20 21
11	37	Randolph	10
12	38	Gaston	16 17
13	39	Cleveland,	13
14		Lincoln	
15	40	Buncombe	14
16	41	McDowell, Rutherford	8
17	42	Henderson, Polk, Transylvania	9 10
18	43	Cherokee, Clay, Graham,	13 14
19		Haywood, Jackson, Macon,	
20		Swain.	

(a1) **(Effective January 1, 2023)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

<i>Prosecutorial District</i>	<i>Counties</i>	<i>No. of Full-Time Asst. District Attorneys</i>
1	Camden, Chowan, Currituck,	12
	Dare, Gates, Pasquotank,	
	Perquimans	
2	Beaufort, Hyde, Martin,	8
	Tyrrell, Washington	
3	Pitt	13
4	Carteret, Craven, Pamlico	14
5	Duplin, Jones, Onslow,	20
	Sampson	
6	New Hanover, Pender	20
7	Bertie, Halifax, Hertford,	11
	Northampton	
8	Edgecombe, Nash, Wilson	20
9	Greene, Lenoir, Wayne	16
10	Wake	43
11	Franklin, Granville, Person	16
	Vance, Warren	
12	Harnett, Lee	12
13	Johnston	12
14	Cumberland	25
15	Bladen, Brunswick, Columbus	15
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
20	Robeson	13

1	21	Anson, Richmond, Scotland	10
2	22	Caswell, Rockingham	9
3	23	Stokes, Surry	8
4	24	Guilford	39
5	25	Cabarrus	10
6	26	Mecklenburg	58
7	27	Rowan	9
8	29	Hoke, Moore	9
9	28	Montgomery, Stanly	6
10	30	Union	11
11	31	Forsyth	27
12	32	Alexander, Iredell	14
13	33	Davidson, Davie	13
14	34	Alleghany, Ashe, Wilkes,	9
15		Yadkin	
16	35	Avery, Madison, Mitchell,	8
17		Watauga, Yancey	
18	36	Burke, Caldwell	40 11
19	37	Randolph	10
20	38	Gaston	17
21	39	Cleveland,	13
22		Lincoln	
23	40	Buncombe	14
24	41	McDowell, Rutherford	8
25	42	Henderson, Polk, Transylvania	10
26	43	Cherokee, Clay, Graham,	14
27		Haywood, Jackson, Macon,	
28		Swain . <u>Swain</u>	
29	44	Catawba	40 10."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-AOC-H10(S16.9)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

***TECHNICAL CORRECTION OF CONFLICTING LANGUAGE REGARDING
CONTINUANCES IN COURT CASES***

SECTION 16.9.(a) Section 2 of S.L. 2020-72 is repealed.

SECTION 16.9.(b) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-AOC-H11(S16.10)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

JUDICIAL DEPARTMENT/USE OF OUTSIDE COUNSEL

SECTION 16.10.(a) G.S. 7A-343 is amended by adding a new subdivision to read:

"(17) Review requests for private counsel for the defense of a Judicial Department official or employee. The Director may approve the expenditure of lapsed salary savings to retain private counsel to provide litigation services for the defense of an official or employee of the Judicial Department in any action arising from conduct undertaken in the course of the official's or employee's official duties and in which the Attorney General has declined to provide the litigation services. For purposes of this subdivision, the terms "litigation services" and "private counsel" are as defined in G.S. 147-17 and G.S. 114-2.3."

SECTION 16.10.(b) G.S. 143C-6-9(b) reads as rewritten:

"(b) Lapsed salary savings shall not be used to pay for litigation services provided by private counsel. As used in this subsection, litigation services and private counsel are as defined in G.S. 147-17(c1) and G.S. 114-2.3(d). This subsection does not apply to litigation services provided by private counsel retained by the Judicial Department for the defense of an official or employee of the Department in any action arising from conduct undertaken in the course of the official's or employee's official duties and in which the Attorney General has declined to provide the litigation services."

SECTION 16.10.(c) G.S. 114-2.3(a) reads as rewritten:

"(a) Every agency, institution, department, bureau, board, or commission of the State, authorized by law to retain private counsel, shall obtain written permission from the Attorney General prior to employing private counsel. This section does not apply to counties, cities, towns, other municipal corporations or political subdivisions of the State, or any agencies of these municipal corporations or political subdivisions, or to county or city boards of education. This subsection does not apply to private counsel retained by the Judicial Department for the defense of an official or employee of the Department in any action arising from conduct undertaken in the course of the official's or employee's official duties and in which the Attorney General has declined to provide the litigation services."

SECTION 16.10.(d) G.S. 147-17(a) reads as rewritten:

"(a) No department, officer, agency, institution, commission, bureau or other organized activity of the State which receives support in whole or in part from the State shall employ private counsel, except with the approval of the Governor. The Governor shall give his approval only if the Attorney General has advised him, as provided in subsection (b) of this section, that it is impracticable for the Attorney General to render the legal services. In any case or proceeding, civil or criminal, in or before any court or agency of this State or any other state or the United States, or in any other matter in which the State of North Carolina is interested, the Governor may employ private counsel as he may deem proper or necessary to represent the interest of the State, and may fix the compensation for their services, subject to the provisions of subsection (c1) of this section. This subsection does not apply to private counsel retained by the Judicial Department for the defense of an official or employee of the Department in any action arising

1 from conduct undertaken in the course of the official's or employee's official duties and in which
2 the Attorney General has declined to provide the litigation services."

3 **SECTION 16.10.(e)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-AOC-H12(S16.11)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

COURTHOUSE RESPONSIVENESS RESOURCES

SECTION 16.11. Of the funds appropriated in this act from the State Fiscal Recovery Fund to the Administrative Office of the Courts for temporary court personnel to address a backlog in cases due to the COVID-19 pandemic, up to seven hundred ninety-nine thousand one hundred seventy dollars (\$799,170) may be used to support up to 12.25 time-limited positions in the 2021-2022 fiscal year. Beginning in the 2022-2023 fiscal year, any remaining funds appropriated in this act from the State Fiscal Recovery Fund to the Administrative Office of the Courts for temporary court personnel to address a backlog in cases due to the COVID-19 pandemic may be used to support up to 24.5 time-limited positions until the funds are expended.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-AOC-H13(S16.12)i

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

CLARIFYING DUTIES OF COURT OF APPEALS DOCUMENT MANAGEMENT SHOP

SECTION 16.12.(a) G.S. 7A-20(b) reads as rewritten:

"(b) Subject to approval of the Supreme Court, the Court of Appeals shall promulgate from time to time a fee bill for services rendered by the clerk, and such fees shall be remitted to the State Treasurer. Charges to litigants for document management and the reproduction of appellate records and briefs shall be fixed by rule of the Supreme Court and remitted to the Appellate Courts Printing and Computer Operations Fund established in G.S. 7A-343.3. The operations of the Court of Appeals shall be subject to the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes."

SECTION 16.12.(b) G.S. 7A-343.3 reads as rewritten:

"§ 7A-343.3. Appellate Courts Printing and Computer Operations Fund.

The Appellate Courts Printing and Computer Operations Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, interest and other investment income earned by the Fund shall be credited to it. All moneys collected through charges to litigants for document management and the reproduction of appellate records and briefs under G.S. 7A-11 and G.S. 7A-20(b) shall be remitted to the State Treasurer and held in this Fund. Moneys in the Fund shall be used to support the ~~print-shop~~ document management shop operations of the Supreme Court and the Court of Appeals, including personnel, maintenance, and capital costs. The Judicial Department may create and maintain receipt-supported positions for these purposes but shall report to the Chairs of the Senate and House of Representatives Appropriations Subcommittees on Justice and Public Safety prior to creating such new positions."

SECTION 16.12.(c) This section becomes effective October 1, 2021, and applies to services rendered on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

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SPECIAL PROVISION



2021-AOC-H16-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by

MODIFY TRIAL COURT COSTS

SECTION #.(a) G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected. No costs may be assessed when a case is dismissed. Only upon entry of a written order, supported by findings of fact and conclusions of law, determining that there is just cause, the court may (i) waive costs assessed under this section or (ii) waive or reduce costs assessed under subdivision (7), (8), (8a), (11), (12), or (13) of this section. No court may waive or remit all or part of any court fines or costs without providing notice and opportunity to be heard by all government entities directly affected. The court shall provide notice to the government entities directly affected of (i) the date and time of the hearing and (ii) the right to be heard and make an objection to the remission or waiver of all or part of the order of court costs at least 15 days prior to hearing. Notice shall be made to the government entities affected by first-class mail to the address provided for receipt of court costs paid pursuant to the order. The costs referenced in this subsection are listed below:

...

~~(3b) For the services, staffing, and operations of the Criminal Justice Education and Training Standards Commission, the sum of three dollars (\$3.00) to be remitted to the Department of Justice.~~

(3c) For legal representation to indigent defendants and others entitled to counsel under North Carolina law, the sum of ~~two~~ five dollars ~~(\$2.00)-(\$5.00)~~ to be remitted to the Office of Indigent Defense ~~Services~~. Services for the Private Assigned Counsel Fund.

...."

SECTION #.(b) This section becomes effective December 1, 2021, and applies to costs assessed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

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SPECIAL PROVISION



2021-AOC-H18-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by

ADD TRIAL COURT ADMINISTRATORS/COORDINATORS AND JUDICIAL ASSISTANTS/MODIFY RELATED PROVISIONS

SECTION #.(a) Article 29A of Chapter 7A of the General Statutes reads as rewritten:

"Article 29A.

"Trial Court Administrators.

"§ 7A-355. Trial court administrators.

The following districts or sets of districts as defined in G.S. 7A-41.1(a) shall have trial court administrators: ~~Set of districts 10A, 10B, 10C, 10D; District 22 and District 28, and such other districts or sets of districts as may be designated by the Administrative Office of the Courts.~~administrators as set forth in the following table:

Districts or Sets of Districts

County or Counties

Districts 3A and 3B

Pitt

Carteret

Craven

Pamlico

Districts 5A, 5B, and 5C

Pender

New Hanover

Districts 10A, 10B, 10C, 10D, 10E, and 10F

Wake

Districts 11A and 11B

Harnett

Lee

Johnston

Districts 12A, 12B, and 12C

Cumberland

Districts 14A and 14B

Durham

Districts 15A and 15B

Alamance

Orange

Chatham

Districts 18A, 18B, 18C, 18D, and 18E

Guilford

Districts 19A, 19B, 19C, and 19D

Cabarrus

Randolph

Rowan

Hoke

Moore

Districts 20A and 20B

Montgomery

Stanly

Union

Districts 21A, 21B, 21C, and 21D

Forsyth

Districts 22A and 22B

Alexander

Iredell

Davidson

Districts 25A and 25B

Districts 26A, 26B, 26C, 26D, 26E, 26F, 26G, and 26H

Districts 27A and 27B

District 28

Districts 29A and 29B

Davie

Burke

Caldwell

Catawba

Mecklenburg

Gaston

Cleveland

Lincoln

Buncombe

McDowell

Rutherford

Henderson

Polk

Transylvania

"§ 7A-355.1. Selection.

Trial court administrators shall be selected by the most tenured senior resident superior court judge within the district or set of districts within which a trial court administrator has been assigned under G.S. 7A-355, in consultation with the most tenured chief district court judge serving within that district or set of districts.

"§ 7A-356. Duties.

(a) The duties of each trial court administrator shall be to assist in managing civil dockets, to improve jury utilization and to perform such duties tasks as may be assigned by the senior resident superior court judge of his the trial court administrator's district or set of districts as defined in G.S. 7A-41.1(a) or by other judges designated by that senior resident superior court judge. G.S. 7A-41.1(a). The senior resident superior court judge may designate other judges of the General Court of Justice, including the chief district court judge of the trial court administrator's district or set of districts, the authority to assign duties to the trial court administrator.

(b) The duties of each trial court administrator shall equally serve the needs of each court of general jurisdiction and county within the district or set of districts that the trial court administrator serves.

(c) The duties assigned to each trial court administrator shall at a minimum include the following:

- (1) Serving as the local courts appointee to committees, projects, and meetings at the local, State, and national level.
- (2) Working directly with local court officials to initiate and coordinate discussion, identify district-wide problems, and recommend solutions when issues affecting a local court arise.
- (3) Tracking, developing, and implementing national court trends to lead to a more efficient and effective local and statewide court system.
- (4) Managing court facilities.
- (5) Establishing and managing local court policies and rules.
- (6) Planning and statistical reporting.
- (7) Managing personnel.
- (8) Serving as the local court's liaison with other governmental and private organizations, the press, and the public.

(d) No later than April 1 and October 1 of each year, each trial court administrator shall report to the Director of the Administrative Office of the Courts regarding the current state and needs of the trial court administrator's district or set of districts. The reports required by this subsection shall begin in the year 2022.

"§ 7A-357. Minimum requirements.

1 Trial court administrators shall at a minimum meet each of the following requirements:

- 2 (1) Possess a bachelor's degree or have equivalent years of judicial branch service
3 in the field of court management.
4 (2) Complete 15 hours of continuing judicial education or continuing legal
5 education biannually."

6 **SECTION #.(b)** Chapter 7A of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 29B.

9 "Trial Court Coordinators.

10 **"§ 7A-366. Trial court coordinators.**

11 (a) The following court management positions shall be allocated as a trial court
12 coordinator pursuant to this section:

- 13 (1) Trial Court Coordinator.
14 (2) Family Court Administrator I.
15 (3) Family Court Administrator II.
16 (4) Family Court Case Coordinators.
17 (5) Any court manager classified as a Project Coordinator whose direct hiring
18 authority is a senior resident superior court judge or chief district court judge
19 in any judicial district of this State.

20 (b) All superior court judicial districts and sets of districts as defined in G.S. 7A-41.1(a)
21 shall have trial court coordinators in an amount that is consistent at a minimum with the ratio of
22 judge to trial court coordinator in the following table:

23 Table of Staffing Ratio for Trial Court Coordinators.

<u>Superior Court Judge Allocation</u>	<u>Trial Court Coordinator Allocation</u>
<u>1</u>	<u>1</u>
<u>2-3</u>	<u>2</u>
<u>4-6</u>	<u>3.</u>

28 (c) All district court districts shall have trial court coordinators in an amount that is
29 consistent at a minimum with the ratio of judge to trial court coordinator in the following table:

30 Table of Staffing Ratio for Trial Court Coordinators.

<u>District Court Judge Allocation</u>	<u>Trial Court Coordinator Allocation</u>
<u>1-3</u>	<u>1</u>
<u>4-6</u>	<u>2.</u>

34 (d) Superior court districts and sets of districts and district court districts that have more
35 judges than are listed in the tables of subsections (b) and (c) of this section, respectively, shall be
36 allocated an additional trial court coordinator for every three judges above the highest ratio
37 provided in those subsections.

38 (e) Notwithstanding any other provision in this section, a superior court district or set of
39 districts comprised of two or more counties shall at a minimum have two trial court coordinator
40 positions allocated to the superior courts of that superior court district.

41 (f) Notwithstanding any other provision in this section, a district court district comprised
42 of two or more counties shall at a minimum have two trial court coordinator positions allocated
43 to the district courts of that judicial district.

44 **"§ 7A-367. Duties.**

45 (a) The duties of each trial court coordinator shall be to perform tasks as assigned or
46 designated by the senior resident superior court judge for superior court, the chief district court
47 judge for district court, and the trial court administrator, if any, serving in the same superior court
48 district or set of districts or district court district as the trial court coordinator.

49 (b) The duties assigned to each trial court coordinator shall at a minimum include the
50 following:

- (1) Managing and supporting court programs such as mediation, arbitration, and more.
- (2) Managing the judge's office in the absence of the senior resident superior court judge, chief district court judge, or trial court administrator.
- (3) Serving as the point of contact to the public and counsel on behalf of any superior court or district court judge for whom the trial court coordinator serves.
- (4) Serving as the point of contact for specific case information and documentation regarding cases presided over by superior court or district court judges for whom the trial court coordinator serves.
- (5) Performing case management and calendaring functions as necessary to maintain the status of all cases within the superior courts and district courts served."

SECTION #.(c) Chapter 7A of the General Statutes is amended by adding a new Article to read:

"Article 29C.
"Judicial Assistants.

"§ 7A-369. Judicial assistants.

(a) The following judicial assistant positions shall be allocated pursuant to this section:

- (1) Judicial Assistant I.
- (2) Judicial Assistant II.

(b) All superior court judicial districts and sets of districts as defined in G.S. 7A-41.1(a) shall have judicial assistants in an amount that is consistent at a minimum with the ratio of judge to judicial assistant in the following table:

Table of Staffing Ratio for Judicial Assistants.

<u>Superior Court Judge Allocation</u>	<u>Judicial Assistant Allocation</u>
<u>1</u>	<u>1</u>
<u>2-3</u>	<u>2</u>
<u>4-6</u>	<u>3.</u>

(c) All district court districts shall have judicial assistants in an amount that is consistent at a minimum with the ratio of judge to judicial assistant in the following table:

Table of Staffing Ratio for Judicial Assistants.

<u>District Court Judge Allocation</u>	<u>Judicial Assistant Allocation</u>
<u>1-3</u>	<u>1</u>
<u>4-6</u>	<u>2.</u>

(d) Superior court districts and sets of districts and district court districts that have more judges than are listed in the tables of subsections (b) and (c) of this section, respectively, shall be allocated an additional judicial assistant for every three judges above the highest ratio provided in those subsections.

"§ 7A-370. Duties.

The duties of each judicial assistant shall be to perform tasks as assigned or designated by the senior resident superior court judge for superior court and the chief district court judge for district court."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-AOC-H19-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by

EVIDENCE AND DISTRICT COURT SPEEDY TRIALS

SECTION #.(a) The General Assembly finds all of the following:

- (1) All criminal defendants have the right to court proceedings free from unreasonable delay, a right that is in jeopardy due to a perpetual district court case backlog, one which has been exacerbated by the COVID-19 pandemic.
- (2) All criminal defendants have the right to court proceedings free from unreasonable delay, a right that is jeopardized when a district court case backlog exists.
- (3) The North Carolina court system is bifurcated into the district and superior courts, and due to this bifurcation, the district courts function essentially as a preliminary proceeding that assures that the prosecution of a criminal defendant proceeds without the unreasonable delay that would be unavoidable if the district courts did not exist.
- (4) The bifurcation of the North Carolina court system provides a criminal defendant with the unique opportunity to a "second bite of the apple" in the defendant's case.
- (5) In superior court a defendant may exercise the defendant's right to a trial by jury, along with other rights, the exercise of which is unavailable in district court.
- (6) The legal protections from being placed twice in jeopardy for the same conduct preclude the State from appealing an unfavorable outcome at trial in district court.
- (7) A criminal defendant in a case before the district court may request, prior to trial, to have the case transferred to the superior court and may appeal to the superior court for a trial de novo following a final disposition in district court, retaining all rights that had previously been afforded the criminal defendant in district court.
- (8) Though preliminary in nature, a district court can issue a final and binding disposition in a case before it.
- (9) In a criminal proceeding in district court, the finder of fact is the district court judge presiding over the proceeding, who is legally trained to weigh the credibility, relevance, and veracity of evidence, including witness testimony.
- (10) Simultaneous, two-way audio and video remote testimony in real time using state of the art technology allows a defendant to observe and cross-examine a witness, a district court judge to observe and question a witness to weigh the credibility and veracity of the witness's testimony, and a witness to observe a defendant against whom the witness is testifying.
- (11) A witness in any court proceeding is one who, being duly sworn or affirmed, testifies as to the witness's knowledge of specific facts relevant to the case for which the witness testifies.

- 1 (12) A forensic or chemical analyst, and each person in the chain of custody of
2 evidence produced by the analyst, does not play a role in initiating a criminal
3 charge against a criminal defendant or in deciding whether or not to prosecute
4 a criminal defendant.
- 5 (13) The testimony of a forensic or chemical analyst is based upon objective,
6 scientifically based testing that allows the analyst to reach dispassionate
7 conclusions that may be presumed reliable and trustworthy.
- 8 (14) The testimony of a witness called to establish the chain of custody of evidence
9 is not adversarial in nature and merely conveys the fact of a ministerial
10 function performed by the witness in the course of the witness's work.
- 11 (15) In order to safeguard a criminal defendant's right to proceedings free from
12 unreasonable delay, it is reasonable and prudent to allow forensic and
13 chemical analysts, and each person in the chain of custody of evidence
14 produced by the analysts, to provide real-time, remote, two-way audio and
15 video testimony before the district courts of this State using state of the art
16 technology and equipment that enable the criminal defendant, the judge, and
17 the attorneys in the case to observe the demeanor of the forensic analyst
18 throughout the direct examination and cross-examination of the forensic
19 analyst and that enable the forensic analyst to likewise observe the demeanor
20 of the criminal defendant.

21 **SECTION #.(b)** G.S. 8-58.20 reads as rewritten:

22 **"§ 8-58.20. Forensic analysis admissible as evidence.**

23 (a) In any criminal prosecution, a laboratory report of a written forensic analysis,
24 including an analysis of the defendant's DNA, or a forensic sample alleged to be the defendant's
25 DNA, as that term is defined in G.S. 15A-266.2(2), that states the results of the analysis and that
26 is signed and sworn to by the person performing the analysis ~~may~~ shall be admissible in evidence
27 without the testimony of the analyst who prepared the report in accordance with the requirements
28 of this section.

29 ...

30 (g) Procedure for Establishing Chain of Custody of Evidence Subject to Forensic
31 Analysis Without Calling Unnecessary Witnesses. –

32 ...

33 Nothing in this subsection precludes the right of any party to call any ~~witness or witness,~~
34 except an analyst regarding the results of forensic testing and the testimony of each person in the
35 associated chain of custody made available via remote testimony in real time in district court
36 pursuant to G.S. 15A-1225.3. Nothing in this subsection precludes the right of any party to
37 introduce any evidence supporting or contradicting the evidence contained in the statement.

38"

39 **SECTION #.(c)** G.S. 15A-1225.3 reads as rewritten:

40 **"§ 15A-1225.3. Forensic analyst remote testimony.**

41 (a) Definitions. – The following definitions apply to this section:

42 (1) Criminal proceeding. – Any hearing or trial in superior court in a prosecution
43 of a person charged with violating a criminal law of this State and any hearing
44 or proceeding conducted under Subchapter II of Chapter 7B of the General
45 Statutes where a juvenile is alleged to have committed an offense that would
46 be a criminal offense if committed by an adult.

47 (1a) District court proceeding. – Any hearing or trial in district court in a
48 prosecution of a person charged with violating a criminal law of this State.

49 (2) Remote testimony. – A method by which a forensic analyst testifies from a
50 location other than the location where the hearing or trial is being conducted
51 and outside the physical presence of a party or parties.

1 (b) Remote Testimony ~~Authorized~~ in Real Time Authorized for Criminal Proceeding. –
2 In any criminal proceeding, the testimony of an analyst regarding the results of forensic testing
3 admissible pursuant to G.S. 8-58.20, and reported by that analyst, shall be permitted by remote
4 testimony if all of the following occur:

- 5 (1) The State has provided a copy of the report to the attorney of record for the
6 defendant, or to the defendant if that person has no attorney, as required by
7 G.S. 8-58.20(d). For purposes of this subdivision, "report" means the full
8 laboratory report package provided to the district attorney.
9 (2) The State notifies the attorney of record for the defendant, or the defendant if
10 that person has no attorney, at least 15 business days before the proceeding at
11 which the evidence would be used of its intention to introduce the testimony
12 regarding the results of forensic testing into evidence using remote testimony.
13 (3) The defendant's attorney of record, or the defendant if that person has no
14 attorney, fails to file a written objection with the court, with a copy to the
15 State, at least five business days before the proceeding at which the testimony
16 will be presented that the defendant objects to the introduction of the remote
17 testimony.

18 If the defendant's attorney of record, or the defendant if that person has no attorney, fails to
19 file a written objection as provided in this subsection, then the objection shall be deemed waived
20 and the analyst shall be allowed to testify by remote testimony.

21 (b1) Remote Testimony in Real Time Authorized in District Court. – In any district court
22 proceeding, the testimony of an analyst regarding the results of forensic testing admissible
23 pursuant to G.S. 8-58.20, and reported by that analyst, and the testimony of each person in the
24 associated chain of custody admissible pursuant to G.S. 8-58.20(g) shall be permitted by remote
25 testimony if each of the following occurs:

- 26 (1) The State has provided a copy of the report to the attorney of record for the
27 defendant, or to the defendant if that person has no attorney, as required by
28 G.S. 8-58.20(d) and (g). For purposes of this subdivision, "report" means the
29 full laboratory report package provided to the district attorney.
30 (2) The State notifies the attorney of record for the defendant, or the defendant if
31 that person has no attorney, at least 15 business days before the proceeding at
32 which the evidence would be used of its intention to introduce the testimony
33 regarding the results of forensic testing into evidence using remote testimony
34 in real time.

35 Nothing in this subsection shall be construed to determine the admissibility of evidence in a
36 criminal proceeding in superior court, including a trial de novo pursuant to G.S. 15A-1431.

37 (c) Testimony. – The method used for remote testimony authorized by this section shall
38 allow the trier of fact and all parties to observe the demeanor of the ~~analyst-remote witness~~ as the
39 ~~analyst-witness~~ testifies in a similar manner as if the ~~analyst-witness~~ were testifying in the location
40 where the hearing or trial is being conducted. The court shall ensure that the defendant's attorney,
41 or the defendant if that person has no attorney, has a full and fair opportunity for examination
42 and cross-examination of the ~~analyst-witness~~.

43 (d) Nothing in this section shall preclude the right of any party to call any ~~witness-witness~~,
44 except an analyst regarding the results of forensic testing and the testimony of each person in the
45 associated chain of custody made available via remote testimony in real time in a district court
46 proceeding pursuant to subsection (b1) of this section.

47 (e) Nothing in this section shall obligate the Administrative Office of the Courts or the
48 State Crime Laboratory to incur expenses related to remote testimony absent an appropriation of
49 funds for that purpose."

50 **SECTION #.(d)** G.S. 20-139.1 reads as rewritten:

1 "§ 20-139.1. Procedures governing chemical analyses; admissibility; evidentiary
2 provisions; controlled-drinking programs.

3 ...

4 (c1) Admissibility. – The results of a chemical analysis of blood or urine reported by the
5 North Carolina State Crime Laboratory, the Charlotte, North Carolina, Police Department
6 Laboratory, or any other laboratory approved for chemical analysis by the Department of Health
7 and Human Services (DHHS), are admissible as evidence in all administrative hearings, and in
8 any court, without further authentication and without the testimony of the analyst. For the
9 purposes of this section, a "laboratory approved for chemical analysis" by the DHHS includes,
10 but is not limited to, any hospital laboratory approved by DHHS pursuant to the program resulting
11 from the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA).

12 The results shall be certified by the person who performed the analysis. The provisions of
13 this subsection may be utilized in any administrative hearing, but can only be utilized in cases
14 tried in the district and superior court divisions, or in an adjudicatory hearing in juvenile court,
15 if:

- 16 (1) The State notifies the defendant no later than 15 business days after receiving
17 the report and at least 15 business days before the proceeding at which the
18 evidence would be used of its intention to introduce the report into evidence
19 under this subsection and provides a copy of the report to the ~~defendant,~~
20 and defendant.
21 (2) The defendant fails to file a written objection with the court, with a copy to
22 the State, at least five business days before the proceeding at which the report
23 would be used that the defendant objects to the introduction of the report into
24 evidence.

25 If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file
26 a written objection as provided in this subsection, then the objection shall be deemed waived and
27 the report shall be admitted into evidence without the testimony of the analyst. Upon filing a
28 timely objection, the admissibility of the report shall be determined and governed by the
29 appropriate rules of evidence.

30 If the proceeding at which the report would be introduced into evidence under this subsection
31 is continued, the notice provided by the State, the written objection filed by the defendant, or the
32 failure of the defendant to file a written objection shall remain effective at any subsequent
33 calendaring of that proceeding.

34 The report containing the results of any blood or urine test may be transmitted electronically
35 or via facsimile. A copy of the affidavit sent electronically or via facsimile shall be admissible in
36 any court or administrative hearing without further authentication. A copy of the report shall be
37 sent to the charging officer, the clerk of superior court in the county in which the criminal charges
38 are pending, the Division of Motor Vehicles, and the Department of Health and Human Services.

39 Nothing in this subsection precludes the right of any party to call any ~~witness-witness,~~ except
40 a chemical analyst in district court as provided in subsection (c6) of this section, or to introduce
41 any evidence supporting or contradicting the evidence contained in the report.

42 ...

43 (c3) Procedure for Establishing Chain of Custody Without Calling Unnecessary
44 Witnesses. –

45 ...

- 46 (4) Nothing in this subsection precludes the right of any party to call any ~~witness~~
47 or witness, except an analyst regarding the results of chemical testing and the
48 testimony of each person in the associated chain of custody made available
49 via remote testimony in real time in district court pursuant to subsection (c6)
50 of this section. Nothing in this subsection precludes the right of any party to

1 introduce any evidence supporting or contradicting the evidence contained in
2 the statement.

3 ...

4 (c5) ~~The~~ Except as provided in subsection (c6) of this section, testimony of an analyst
5 regarding the results of a chemical analysis of blood or urine admissible pursuant to subsection
6 (c1) of this section, and reported by that analyst, shall be permitted by remote testimony, as
7 defined in G.S. 15A-1225.3, in all administrative hearings, and in any superior court if all of the
8 following occur:

9 ...

10 If the defendant's attorney of record, or the defendant if that person has no attorney, fails to
11 file a written objection as provided in this subsection, then the objection shall be deemed waived
12 and the analyst shall be allowed to testify by remote testimony.

13 The method used for remote testimony authorized by this subsection shall allow the trier of
14 fact and all parties to observe the demeanor of the analyst as the analyst testifies in a similar
15 manner as if the analyst were testifying in the location where the hearing or trial is being
16 conducted. The court shall ensure that the defendant's attorney, or the defendant if that person
17 has no attorney, has a full and fair opportunity for examination and cross-examination of the
18 analyst.

19 Nothing in this section shall preclude the right of any party to call any witness. Nothing in
20 this subsection shall obligate the Administrative Office of the Courts or the State Crime
21 Laboratory to incur expenses related to remote testimony absent an appropriation of funds for
22 that purpose.

23 (c6) The testimony of an analyst regarding the results of a chemical analysis of blood or
24 urine admissible pursuant to subsection (c1) of this section, and reported by that analyst, and the
25 testimony of each person in the associated chain of custody admissible pursuant to subsection
26 (c3) of this section shall be permitted by remote testimony, as defined in G.S. 15A-1225.3, in
27 district court, if each of the following occurs:

28 (1) The State has provided a copy of the report to the attorney of record for the
29 defendant, or to the defendant if that person has no attorney, as required by
30 subsections (c1) and (c3) of this section.

31 (2) The State notifies the attorney of record for the defendant, or the defendant if
32 that person has no attorney, at least 15 business days before the proceeding at
33 which the evidence would be used of its intention to introduce the testimony
34 regarding the chemical analysis into evidence using remote testimony.

35 The method used for remote testimony authorized by this subsection shall allow the trier of
36 fact and all parties to observe the demeanor of the remote witness as the witness testifies in a
37 similar manner as if the witness were testifying in the location where the hearing or trial is being
38 conducted. The court shall ensure that the defendant's attorney, or the defendant if that person
39 has no attorney, has a full and fair opportunity for examination and cross-examination of the
40 witness.

41 Nothing in this subsection shall obligate the Administrative Office of the Courts or the State
42 Crime Laboratory to incur expenses related to remote testimony absent an appropriation of funds
43 for that purpose.

44 Nothing in this subsection shall preclude the right of any party to call any witness, except an
45 analyst regarding the results of chemical testing and the testimony of each person in the
46 associated chain of custody made available via remote testimony in real time in district court
47 pursuant to this subsection.

48 ...

49 (e2) Except as governed by subsection (c1) or (c3) of this section, the State can only use
50 the provisions of subsection (e1) of this section if:

1 (1) The State notifies the defendant no later than 15 business days after receiving
2 the affidavit and at least 15 business days before the proceeding at which the
3 affidavit would be used of its intention to introduce the affidavit into evidence
4 under this subsection and provides a copy of the affidavit to the ~~defendant,~~
5 and defendant.
6

7 ...

7 The failure to file a timely objection as provided in this subsection shall be deemed a waiver
8 of the right to object to the admissibility of the affidavit, and the affidavit shall be admitted into
9 evidence without the testimony of the analyst. Upon filing a timely objection, the admissibility
10 of the report shall be determined and governed by the appropriate rules of evidence. The case
11 shall be continued until the analyst can be present. The criminal case shall not be dismissed due
12 to the failure of the analyst to appear, unless the analyst willfully fails to appear after being
13 ordered to appear by the court. If the proceeding at which the affidavit would be introduced into
14 evidence under this subsection is continued, the notice provided by the State, the written
15 objection filed by the defendant, or the failure of the defendant to file a written objection shall
16 remain effective at any subsequent calendaring of that proceeding.

17 Nothing in subsection (e1) or subsection (e2) of this section precludes the right of any party
18 to call any ~~witness or witness, except an analyst regarding the results of chemical testing and the~~
19 testimony of each person in the associated chain of custody made available via remote testimony
20 in real time in district court pursuant to subsection (c6) of this section. Nothing in subsection (e1)
21 or subsection (e2) of this section precludes the right of any party to introduce any evidence
22 supporting or contradicting the evidence contained in the affidavit.

23"

24 **SECTION #.(e)** This section is effective when it becomes law and applies to criminal
25 proceedings, administrative hearings, and adjudicatory hearings in juvenile court beginning on
26 or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-AOC-H21-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by

MODIFY TRAVEL REIMBURSEMENT FOR APPELLATE JUDGES AND JUSTICES

SECTION #.(a) G.S. 7A-10(b1) reads as rewritten:

"(b1) In addition to the reimbursement for travel and subsistence expenses authorized by subsection (b) of this section, and notwithstanding G.S. 138-6, each justice whose permanent residence is at least 50 miles from the City of Raleigh shall also be reimbursed for the mileage the justice travels each ~~week-trip~~ to the City of Raleigh from the justice's home for business of the court. The reimbursement authorized by this subsection shall be calculated for each justice by multiplying the actual round-trip mileage from that justice's home to the City of Raleigh by a rate-per-mile established by the Director of the Administrative Office of the Courts, but not to exceed the business standard mileage rate set by the Internal Revenue Service. The duty station for any justice of the Supreme Court whose permanent residence is at least 30 miles from the City of Raleigh and outside of Wake County at the time the justice takes office as a justice of the Supreme Court shall be the county seat of the county in which the justice's permanent residence is located at the time of election or appointment to the office of justice of the Supreme Court for the purpose of determining eligibility for mileage reimbursement. If a justice who has previously qualified for mileage reimbursement under this subsection relocates the justice's permanent residence outside of the county of residence used in determining that justice's eligibility for reimbursement under this subsection, that justice shall not be eligible for reimbursement for mileage and the justice's duty station shall be Wake County."

SECTION #.(b) G.S. 7A-18(a1) reads as rewritten:

"(a1) In addition to the reimbursement for travel and subsistence expenses authorized by subsection (a) of this section, and notwithstanding G.S. 138-6, each judge whose permanent residence is at least 50 miles from the City of Raleigh shall also be reimbursed for the mileage the judge travels each ~~week-trip~~ to the City of Raleigh from the judge's home for business of the court. The reimbursement authorized by this subsection shall be calculated for each judge by multiplying the actual round-trip mileage from that judge's home to the City of Raleigh by a rate-per-mile established by the Director of the Administrative Office of the Courts, but not to exceed the business standard mileage rate set by the Internal Revenue Service. The duty station for any judge of the Court of Appeals whose permanent residence is at least 30 miles from the City of Raleigh and outside of Wake County at the time the judge takes office as a judge of the Court of Appeals shall be the county seat of the county in which that judge's permanent residence is located at the time of election or appointment to the office of judge of the Court of Appeals for the purpose of determining eligibility for mileage reimbursement. If a judge who has previously qualified for mileage reimbursement under this subsection relocates the judge's permanent residence outside of the county of residence used in determining that judge's eligibility under this subsection, that judge shall not be eligible for reimbursement for mileage and the judge's duty station shall be Wake County."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-AOC-H22-P

Administrative Office of the Courts
House Appropriations, Justice and Public Safety

Requested by

**REQUEST FOR PROPOSALS FOR STATEWIDE DOMESTIC VIOLENCE VICTIM
NOTIFICATION PROGRAM**

SECTION #.(a) Findings. – The General Assembly finds that the criminal justice system faces many challenges, including high recidivism rates, increases in domestic violence, escalated alcohol and drug offenses, overcrowding in prisons, backlogs of court cases, and overall reduced public safety. It further finds that alcohol consumption, especially excessive drinking, is a major contributor to the occurrence of domestic violence and increases the risk for other violent offenses. It is the intent of the General Assembly that in order to combat these unprecedented challenges, the Administrative Office of the Courts must have access to new innovative technology, such as global positioning system (GPS) electronic monitoring.

SECTION #.(b) Fund Creation. – There is established the Alternatives to Pre-trial Detention Fund within the Judicial Department as a special revenue fund to be used to create a statewide domestic violence notification system (Program) in accordance with the product and service requirements established in subsections (c) and (d) of Section 4.2C of Session Law 2020-80.

SECTION #.(c) Criteria. – The Administrative Office of the Courts shall consult, collaborate, and provide direction for the chief district court judges when developing the Program. In accordance with the provisions of subsections (c) and (d) of Section 4.2C of Session Law 2020-80, the Program provider shall also operate a 24-hour in-State call monitoring center and shall offer victims access to a tangible GPS notification device that provides victims instantaneous notification if the defendant or offender is within close proximity. The device shall have the ability to automatically switch cellular networks, thus ensuring the device is not dependent upon one particular cellular network provider. The Program shall also be accessible and available for other specialty courts in the State.

SECTION #.(d) Administrative. – Of the funds allocated to the Administrative Office of the Courts in this act in the 2021-2022 fiscal year to be used for the Program, the Administrative Office of the Courts may retain up to two hundred thousand dollars (\$200,000) for administrative costs associated with the implementation of the Program. For the 2022-2023 fiscal year and subsequent fiscal years, the Administrative Office of the Courts may retain up to two percent (2%) annually for administrative costs associated with the Program.

SECTION #.(e) Report. – Beginning on October 1, 2022, and annually thereafter, the Administrative Office of the Courts shall report to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety on the results of the Program. The report, at a minimum, shall include a percentage breakdown on the usage per case subject area and any legislative recommendations for improving the Program.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-IDS-H3(S17.3)i

Indigent Defense Services
House Appropriations, Justice and Public Safety

DEBT SETOFF MODIFICATION

SECTION 17.3.(a) Notwithstanding the time limitations applicable to notice by a State agency pursuant to G.S. 105A-8, for notices to a debtor a State agency failed to timely send between March of 2020 and February of 2021 for reasons beyond the control of the Office of Indigent Defense Services, including the inability to obtain the information necessary to send the notice, the Office may send notice to the debtor within 30 days of the date this section becomes law; provided, the notice and rights afforded to the debtor otherwise complies with the requirements of G.S. 105A-8.

SECTION 17.3.(b) This section is effective when this act becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-IDS-H4

Indigent Defense Services
House Appropriations, Justice and Public Safety

Requested by

**NEW PUBLIC DEFENDER DISTRICT 27B AND EXPANDED FLEXIBILITY FOR USE
OF INDIGENT DEFENSE SERVICES FUND**

SECTION #.1. G.S. 7A-498.7(a) reads as rewritten:

"(a) The following counties of the State are organized into the defender districts listed below, and in each of those defender districts an office of public defender is established:

Defender District	Counties
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans
3A	Pitt
3B	Craven, Pamlico, Carteret
5	New Hanover
10	Wake
12	Cumberland
14	Durham
15B	Orange, Chatham
16A	Scotland, Hoke
16B	Robeson
18	Guilford
21	Forsyth
26	Mecklenburg
27A	Gaston
27B	Cleveland, Lincoln
28	Buncombe
29A	McDowell, Rutherford
29B	Henderson, Polk, Transylvania

After notice to, and consultation with, the affected district bar, senior resident superior court judge, and chief district court judge, the Commission on Indigent Defense Services may recommend to the General Assembly that a district or regional public defender office be established. A legislative act is required in order to establish a new office or to abolish an existing office."

SECTION #.2.(a) Notwithstanding any other provision of law to the contrary, the Office of Indigent Defense Services may use funds appropriated to the Office in the 2021-2022 fiscal year for the following:

- (1) The expansion of existing offices currently providing legal services to the indigent population under the oversight of the Office of Indigent Defense Services, considering cost effectiveness and other needs.
- (2) The creation of new positions or offices within existing public defender programs, including satellite offices of the Office of the Capital Defender, for

1 the establishment of regional public defender programs, or for positions
2 supporting the public defender offices or the contract system of providing
3 legal services.

- 4 (3) The creation of positions within existing public defender programs to handle
5 cases in adjacent counties or districts, including the salaries, benefits,
6 equipment, and related expenses for up to 10 attorney positions and 6 non-
7 attorney positions with the total annualized cost of these positions no more
8 than one million seven hundred fifty thousand dollars (\$1,750,000).

9 **SECTION #.2.(b)** Prior to using funds for any purposes approved in subsection (a)
10 of this section, the Office of Indigent Defense Services shall report to the chairs of the House
11 Appropriations Committee on Justice and Public Safety and the Senate Appropriations
12 Committee on Justice and Public Safety on the proposed uses.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-ATTY-H1(S18.1)i

Attorney General's Office
House Appropriations, Justice and Public Safety

NO HIRING OF SWORN STAFF POSITIONS FOR NC STATE CRIME LAB

SECTION 18.1. Article 9 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-63.1. No hiring of sworn personnel to fill vacant positions.

The Department of Justice shall not hire sworn personnel to fill vacant positions in the North Carolina State Crime Laboratory. Nothing in this section shall be construed to require the termination of sworn personnel or to affect North Carolina State Crime Laboratory personnel who are sworn and employed by the Laboratory as of the effective date of this section and who continue to meet the sworn status retention standards mandated by the North Carolina Criminal Justice Education and Standards Commission."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-ATTY-H3(S18.3)i

Attorney General's Office
House Appropriations, Justice and Public Safety

***REQUIRE APPROVAL OF COUNCIL OF STATE PRIOR TO ATTORNEY GENERAL
INTERVENING IN CERTAIN CASES***

SECTION 18.3.(a) G.S. 114-2 reads as rewritten:

"§ 114-2. Duties.

(a) Pursuant to Section 7(2) of Article III of the North Carolina Constitution, it shall be the duty of the Attorney General:

(1) ~~To Subject to the condition set forth in subsection (b) of this section, to defend~~ all actions in the appellate division in which the State shall be interested, or a party, and to appear for the State in any other court or tribunal in any cause or matter, civil or criminal, in which the State may be a party or interested. The duty to represent the State in criminal appeals shall not be delegated to any district attorney's office or any other entity.

...

(8) Subject to the provisions of ~~G.S. 62-20~~ G.S. 62-20 and the condition set forth in subsection (b) of this section:

a. To intervene, when ~~he the Attorney General~~ deems it to be advisable in the public interest, in proceedings before any courts, regulatory officers, agencies and bodies, both State and federal, in a representative capacity for and on behalf of the using and consuming public of this State. ~~He The Attorney General~~ shall also have the authority to institute and originate proceedings before such courts, officers, agencies or bodies and shall have authority to appear before agencies on behalf of the State and its agencies and citizens in all matters affecting the public interest.

b. Upon the institution of any proceeding before any State agency by application, petition or other pleading, formal or informal, the outcome of which will affect a substantial number of residents of North Carolina, such agency or agencies shall furnish the Attorney General with copies of all such applications, petitions and pleadings so filed, and, when the Attorney General deems it advisable in the public interest to intervene in such proceedings, ~~he the Attorney General~~ is authorized to file responsive pleadings and to appear before such agency either in a representative capacity in behalf of the using and consuming public of this State or in behalf of the State or any of its agencies.

...

(b) Notwithstanding any provision of law to the contrary, the Attorney General shall not intervene for, or otherwise participate on behalf of, the State in any ongoing proceeding before an out-of-state or federal court, regulatory officer, agency, or body that does not involve the recovery of damages or other relief by the State or a State department, agency, institution, commission, or bureau, unless the intervention or other participation is approved by a majority

1 vote of the Council of State. Nothing in this subsection shall be construed as prohibiting the
2 Attorney General from participating in a proceeding before a court, regulatory officer, agency,
3 or body in which the State or a State department, agency, institution, commission, or bureau is a
4 party. For purposes of this subsection, the term "Attorney General" includes any attorney
5 employed by or contracting with the Department of Justice."

6 **SECTION 18.3.(b)** This section is effective when it becomes law and applies to
7 proceedings commenced on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-ATTY-H4(S18.4)-P

Attorney General's Office
House Appropriations, Justice and Public Safety

***ESTABLISH DATABASE OF LAW ENFORCEMENT OFFICER CERTIFICATION
ADVERSE RULINGS***

SECTION 18.4.(a) Article 1 of Chapter 17C of the General Statutes is amended by adding a new section to read:

"§ 17C-14. Database of law enforcement officer certification suspensions and revocations.

The Commission shall develop and maintain a statewide database accessible to the public on its website that contains all revocations and suspensions of law enforcement officer certifications by the Commission."

SECTION 18.4.(b) Chapter 17E of the General Statutes is amended by adding a new section to read:

"§ 17E-14. Database of justice officer certification suspensions and revocations.

The Commission shall develop and maintain a statewide database accessible to the public on its website that contains all revocations and suspensions of justice officer certifications by the Commission."

SECTION 18.4.(c) This section becomes effective October 1, 2021, and applies to revocations and suspensions issued before, on, or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-ATTY-H4A(S18.4)-P

Attorney General's Office
House Appropriations, Justice and Public Safety

***REGULATE THE CREATION OF LAW ENFORCEMENT OFFICER DISCIPLINE
DATABASES***

SECTION #.(a) Subpart A of Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-907. Public law enforcement database regulation.

Unless specifically authorized to do so by an act of the General Assembly, no State agency or political subdivision of the State may create or maintain a database that compiles and makes available to the public information regarding disciplinary actions taken against law enforcement officers."

SECTION #.(b) This section is effective when it becomes law and applies to databases created before, on, or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-ATTY-H5(S18.5)-P

Attorney General's Office
House Appropriations, Justice and Public Safety

**ESTABLISH LAW ENFORCEMENT OFFICER CRITICAL INCIDENT STATEWIDE
DATABASE**

SECTION 18.5.(a) G.S. 17C-2 reads as rewritten:

"§ 17C-2. Definitions.

Unless the context clearly otherwise requires, the following definitions apply in this Article:

...

(3a) Critical incident. – An incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person.

...."

SECTION 18.5.(b) Article 1 of Chapter 17C of the General Statutes is amended by adding a new section to read:

"§ 17C-15. Database for law enforcement officer critical incident information.

(a) The Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data of law enforcement officers in North Carolina.

(b) All law enforcement agencies in the State that employ personnel certified by the Commission shall provide any information requested by the Division to maintain the database required by subsection (a) of this section.

(c) Information collected under this section is not a public record as defined in G.S. 132-1.

(d) Information collected under this section that is confidential under State or federal law shall remain confidential.

(e) A law enforcement officer who is reported to the Division as having been involved in a critical incident who disputes being involved in a critical incident has a right, prior to being placed in the database, to request a contested case hearing regarding that determination pursuant to and in accordance with the provisions of Article 3A of Chapter 150B of the General Statutes."

SECTION 18.5.(c) G.S. 17E-2 reads as rewritten:

"§ 17E-2. Definitions.

Unless the context clearly requires otherwise, the following definitions apply to this Chapter:

...

(4) "Critical incident" means an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person."

SECTION 18.5.(d) Chapter 17E of the General Statutes is amended by adding a new section to read:

"§ 17E-15. Database for justice officer critical incident information.

(a) The Division shall develop and maintain a statewide database for use by law enforcement agencies that tracks all critical incident data of justice officers in North Carolina.

(b) All law enforcement agencies in the State that employ personnel certified by the Commission shall provide any information requested by the Commission to maintain the database required by subsection (a) of this section.

1 (c) Information collected under this section is not a public record as defined in
2 G.S. 132-1.

3 (d) Information collected under this section that is confidential under State or federal law
4 shall remain confidential.

5 (e) A law enforcement officer who is reported to the Division as having been involved in
6 a critical incident who disputes being involved in a critical incident has a right, prior to being
7 placed in the database, to request a contested case hearing regarding that determination pursuant
8 to and in accordance with the provisions of Article 3A of Chapter 150B of the General Statutes."

9 **SECTION 18.5.(e)** This section becomes effective October 1, 2021, and applies to
10 critical incidents on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-ATTY-H6(S18.6)-P

Attorney General's Office
House Appropriations, Justice and Public Safety

EXPAND CRIMINAL JUSTICE FELLOWS PROGRAM

SECTION 18.6.(a) G.S. 17C-20 reads as rewritten:

"§ 17C-20. Definitions.

As used in this Article, the following definitions apply:

...

- (5) Eligible county. – A county with a population of less than ~~125,000~~ 150,000 according to the latest federal decennial census ~~or a county designated as a development tier one area pursuant to G.S. 143B-437.08, or both census.~~

...."

SECTION 18.6.(b) G.S. 17C-22 reads as rewritten:

"§ 17C-22. North Carolina Criminal Justice Fellows Program established; administration.

...

(b) Program Administrator. – The Director of the Division shall select a member of the Division staff, with the consent of the Committee, to serve as the Program administrator. The Program administrator will be responsible for all administrative duties and oversight of the Program as established by the Committee. The Program administrator will conduct recruitment efforts to include the following:

...

- (3) Target high school seniors who demonstrate an interest in ~~becoming~~ being employed in ~~a~~ an eligible criminal justice ~~professionals~~ profession.
- (4) Engage with employees of eligible criminal justice ~~professionals~~ professions and leaders in eligible counties for input in the Program.
- (5) Attend high school career days, job fairs, and other activities ~~in eligible counties~~ to recruit qualified individuals into the Program.

...

(d) Eligibility Criteria. – An applicant must be domiciled in ~~an eligible county~~ this State at the time of application, a resident for tuition purposes as defined in G.S. 116-143.1(a)(2), a high school graduate or a high school senior who will graduate from high school by the end of the current academic year, and demonstrate the intent upon completion of the Program to be employed ~~as a~~ in an eligible criminal justice ~~professional~~ profession in an eligible county. An applicant who has been convicted of any of the following is ineligible to receive a forgivable loan:

...

(h) Recipient Obligations. – A recipient must become and remain a full-time student at a North Carolina community college in an Applied Associate Degree in Criminal Justice or in a Committee-approved related field of study at all times during each of the recipient's two academic years of community college study and pursue continuously studies that will qualify the recipient to be employed in an eligible criminal justice profession upon graduation. The recipient must maintain a minimum cumulative 2.0 GPA throughout the course of study and also maintain appropriate credit hours for each semester to obtain an Applied Associate Degree in Criminal Justice or Committee-approved field of study within two years. The recipient must also accept

1 employment in an eligible county ~~as a~~ in an eligible criminal justice ~~professional~~ profession for
2 at least four out of five years following graduation. The Committee may adopt additional
3 recipient obligations it deems appropriate.

4"

5 **SECTION 18.6.(c)** G.S. 17C-23(b) reads as rewritten:

6 "(b) Forgiveness. – The Committee shall forgive the loan and any interest accrued on the
7 loan if, within five years after obtaining an Applied Associate Degree in Criminal Justice or
8 Committee-approved field of study, the recipient is employed on a full-time basis for a period of
9 at least four years in an eligible county in an eligible criminal justice profession. The recipient
10 shall provide the Committee within 60 days of completion of the Program verification of the
11 recipient's intent to seek employment ~~as a~~ in an eligible criminal justice ~~professional~~ profession
12 in an eligible county. The recipient shall provide verification of employment to the Committee
13 each year until the obligation is satisfied. The Committee shall also forgive the loan if it finds
14 that it is impossible for the recipient to meet the terms of the loan, after or before graduation, due
15 to death or permanent disability of the recipient."

16 **SECTION 18.6.(d)** This section is effective when it becomes law and applies to
17 Criminal Justice Fellows Program applicants selected on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-ATTY-H7(S18.7)-P

Attorney General's Office
House Appropriations, Justice and Public Safety

PROHIBIT COLLUSIVE SETTLEMENTS BY THE ATTORNEY GENERAL

SECTION 18.7.(a) G.S. 114-2.2 reads as rewritten:

"§ 114-2.2. ~~Consent~~ Approval of consent judgments.

...

(a2) Where a dispute, claim, or controversy is challenging a North Carolina statute or provision of the North Carolina Constitution, and the Speaker of the House of Representatives and the President Pro Tempore of the Senate (i) have jointly intervened on behalf of the General Assembly in accordance with G.S. 1-72.2, (ii) are joined as defendants in accordance with G.S. 1A-1, Rule 19(d) or G.S. 120-32.6, or (iii) are otherwise jointly named in their official capacities as parties to the dispute, claim, or controversy, a consent judgment shall be jointly approved by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, or by and through counsel of their choice, before the judgment may be entered.

...."

SECTION 18.7.(b) G.S. 114-2.4 reads as rewritten:

"§ 114-2.4. Settlement agreements.

...

(a2) Where a dispute, claim, or controversy is challenging a North Carolina statute or provision of the North Carolina Constitution, and the Speaker of the House of Representatives and the President Pro Tempore of the Senate (i) have intervened on behalf of the General Assembly in accordance with G.S. 1-72.2, (ii) are joined as defendants in accordance with G.S. 1A-1, Rule 19(d) or G.S. 120-32.6, or (iii) are otherwise jointly named in their official capacities as parties to the dispute, claim, or controversy, a proposed settlement agreement or other agreement that would dispose of the dispute, claim, or controversy shall be jointly approved by the Speaker of the House of Representatives and the President Pro Tempore of the Senate, or by and through counsel of their choice, before the agreement may be entered.

(a3) In litigation in which the State is interested or is a party, no settlement agreement shall be entered into by the State unless and no settlement agreement shall be binding on the State except to the extent that the State's entire obligation for the current and for future fiscal years will be satisfied with funds that are available for that purpose for the current fiscal year, including funds that the Council of State agrees to allot from the Contingency and Emergency Fund, provided that for payments of tort claims and workers' compensation claims it shall not be binding on the State except to the extent that the State's entire obligation for the current and for future fiscal years can be satisfied with funds that are available for the current fiscal year, including funds that the Council of State agrees to allot from the Contingency and Emergency Fund. The Director of the Budget shall report to the appropriation committees of the General Assembly concerning all funds made available during the preceding fiscal year from the Contingency and Emergency Fund for the purpose of carrying out settlement agreements.

...."

SECTION 18.7.(c) G.S. 163-22.2 reads as rewritten:

"§ 163-22.2. Power of State Board to promulgate temporary rules and regulations.

1 In the event any portion of Chapter 163 of the General Statutes or any State election law or
2 form of election of any county board of commissioners, local board of education, or city officer
3 is held unconstitutional or invalid by a State or federal court or is unenforceable because of
4 objection interposed by the United States Justice Department under the Voting Rights Act of
5 1965 and such ruling adversely affects the conduct and holding of any pending primary or
6 election, the State Board of Elections shall have authority to make reasonable interim rules and
7 regulations with respect to the pending primary or election as it deems advisable so long as they
8 do not conflict with any provisions of this Chapter 163 of the General Statutes and such rules and
9 regulations shall become null and void 60 days after the convening of the next regular session of
10 the General Assembly. ~~The State Board of Elections shall also be authorized, upon~~
11 ~~recommendation of the Attorney General, to enter into agreement with the courts in lieu of~~
12 ~~protracted litigation until such time as the General Assembly convenes."~~

13 **SECTION 18.7.(d)** Subsections (a) and (b) of this section become effective October
14 1, 2021, and apply to disputes, claims, and controversies arising on or after that date. The
15 remainder of this section is effective when it becomes law and applies to rulings on or after that
16 date.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-ATTY-H9-P

Attorney General's Office
House Appropriations, Justice and Public Safety

Requested by

INTENT TO MAXIMIZE EFFICIENCIES AT THE STATE CRIME LAB

SECTION #.(a) It is the intent of the General Assembly to maximize efficiencies at the State Crime Lab by funding timely testing through each of the following methods:

- (1) Increasing the number of forensic scientists on staff in order to more quickly analyze new submissions of evidence and other items.
- (2) Increasing the capacity of the State Crime Lab to contract with third-party laboratories for the analysis of evidence and other items when the State Crime Lab is unable to analyze a submission within 30 days of receipt.

SECTION #.(b) Nothing in this section shall be construed as appropriating funds for the purposes set forth in this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-ATTY-H10(S16.13)-P

Attorney General's Office
House Appropriations, Justice and Public Safety

TRANSFER CRIMINAL JUSTICE INFORMATION NETWORK TO DOJ

SECTION 18.8.(a) Chapter 114 of the General Statutes is amended by adding a new Article 11, to be entitled "Criminal Justice Information."

SECTION 18.8.(b) The Criminal Justice Information Network Governing Board shall be transferred to the Department of Justice as a Type II transfer. G.S. 143B-1390, 143B-1391, 143B-1392, 143B-1393, and 143B-1394 in Part 9 of Article 15 of Chapter 143B of the General Statutes are recodified as G.S. 114-71, 114-71.1, 114-71.2, 114-71.3, and 114-71.4 in Article 11 of Chapter 114 of the General Statutes, as enacted by subsection (a) of this section.

SECTION 18.8.(c) Article 11 of Chapter 114 of the General Statutes, as enacted by subsection (a) of this section and amended by subsection (b) of this section, reads as rewritten:

"Article 11.

"Criminal Justice Information.

"§ 114-71. Definitions.

As used in this Part:

- (1) "Board" means the Criminal Justice Information Network Governing Board established by ~~G.S. 143B-1391~~ G.S. 114-71.1.
- (2) "Local government user" means a unit of local government of this State having authorized access to the Network.
- (3) "Network" means the Criminal Justice Information Network established by the Board pursuant to this Part.
- (4) "Network user" or "user" means any person having authorized access to the Network.
- (5) "State agency" means any State department, agency, institution, board, commission, or other unit of State government.

"§ 114-71.1. Criminal Justice Information Network Governing Board – creation; purpose; membership; conflicts of interest.

(a) The Criminal Justice Information Network Governing Board is established within the ~~Department of Information Technology, Department of Justice,~~ as a Type II transfer, to operate the State's Criminal Justice Information Network, the purpose of which shall be to provide the governmental and technical information systems infrastructure necessary for accomplishing State and local governmental public safety and justice functions in the most effective manner by appropriately and efficiently sharing criminal justice and juvenile justice information among law enforcement, judicial, and corrections agencies. ~~The Notwithstanding G.S. 143A-6(b), the Board is established within the Office of the State Chief Information Officer, Department of Justice, for organizational and budgetary purposes only and the Board shall exercise all of its statutory powers in this Part independent of control by the Office of the State Chief Information Officer.~~ Department of Justice.

...

"§ 114-71.2. Compensation and expenses of Board members; travel reimbursements.

Members of the Board shall serve without compensation but may receive travel and subsistence as follows:

1 (1) Board members who are officials or employees of a State agency or unit of
2 local government, in accordance with G.S. 138-6.
3 (2) All other Board members, at the rate established in G.S. 138-5.
4 **"§ 114-71.3. Powers and duties.**
5 (a) The Board shall have the following powers and duties:
6 (1) To establish and operate the Network as an integrated system of State and
7 local government components for effectively and efficiently storing,
8 communicating, and using criminal justice information at the State and local
9 levels throughout North Carolina's law enforcement, judicial, juvenile justice,
10 and corrections agencies, with the components of the Network to include
11 electronic devices, programs, data, and governance and to set the Network's
12 policies and procedures.
13 ...
14 (8) To employ the services of an Executive Director who shall report solely to the
15 Board.
16 (9) To exercise administrative control over the operational budget established by
17 the Board and appropriated by the General Assembly.
18 (10) To exercise sole authority and control over employee positions allotted to the
19 Board, including the authority to establish qualifications, classification, and
20 salary levels for its employees and determine appropriate methods of
21 screening for candidates, interviewing, hiring, and day-to-day management of
22 Board employees.
23 ...
24 **"§ 114-71.4. Election of officers; meetings; staff, etc.**
25 ...
26 (b) The staff of the Criminal Justice Information Network shall provide the Board with
27 professional and clerical support and any additional support the Board needs to fulfill its mandate.
28 (c) ~~The Board's staff shall use space provided by the Department of Information~~
29 ~~Technology.~~ Department of Justice shall provide office space and administrative support for the
30 Board's staff and shall provide technical assistance to the Board at the request of the Board."
31 **SECTION 18.8.(d)** G.S. 143B-1320(a)(2) and G.S. 143B-1323(c)(2) are repealed.
32 **SECTION 18.8.(e)** G.S. 143B-1321(a)(30) reads as rewritten:
33 "(30) Support the operation of the CGIA, GICC, GDAC, ~~CJIN~~, and 911 Board."
34 **SECTION 18.8.(f)** G.S. 143B-1322(c)(19) reads as rewritten:
35 "(19) Supervise and support the operations of the CGIA, GICC, GDAC, ~~CJIN~~, and
36 911 Board."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-DPS-H1(S19A.1)i

Department of Public Safety
House Appropriations, Justice and Public Safety

JPS GRANT REPORTING

SECTION 19A.1.(a) Article 29 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-350.1. Annual report on grant funds received or preapproved for receipt.

The Judicial Department shall report by May 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on grant funds received or preapproved for receipt by the Department. The report shall include information on the amount of grant funds received or preapproved for receipt by the Department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the Department intends to continue the program beyond the end of the grant period, the Department shall report on the proposed method for continuing the funding of the program at the end of the grant period. The Department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant."

SECTION 19A.1.(b) Article 1 of Chapter 114 of the General Statutes is amended by adding a new section to read:

"§ 114-2.5B. Annual report on grant funds received or preapproved for receipt.

The Department of Justice shall report by May 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on grant funds received or preapproved for receipt by the Department. The report shall include information on the amount of grant funds received or preapproved for receipt by the Department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the Department intends to continue the program beyond the end of the grant period, the Department shall report on the proposed method for continuing the funding of the program at the end of the grant period. The Department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant."

SECTION 19A.1.(c) Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-602.2. Annual report on grant funds received or preapproved for receipt.

The Department of Public Safety shall report by May 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on grant funds received or preapproved for receipt by the Department. The report shall include information on the amount of grant funds received or preapproved for receipt by the Department, the use of the funds, the State match expended to receive the funds, and the period to be covered by each grant. If the Department intends to continue the program beyond the end of the grant period, the Department shall report on the proposed method for continuing the funding of the program at the end of the grant period. The Department shall also report on any information it may have indicating that the State will be requested to provide future funding for a program presently supported by a local grant."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-DPS-H2(S19A.2)i

Department of Public Safety
House Appropriations, Justice and Public Safety

NO TRANSFER OF POSITIONS TO OTHER STATE AGENCIES

SECTION 19A.2.(a) Notwithstanding any other provision of law, and except as otherwise provided in subsection (b) of this section, the Office of State Budget and Management shall not transfer any positions, personnel, or funds from the Department of Public Safety to any other State agency during the 2021-2023 fiscal biennium unless the transfer was included in the base budget for one or both fiscal years of the biennium.

SECTION 19A.2.(b) This section shall not apply to consolidation of information technology positions into the Department of Information Technology pursuant to G.S. 143B-1325.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-DPS-H3(S19A.3)-P

Department of Public Safety
House Appropriations, Justice and Public Safety

ALLOCATION OF GRANT FUNDS TO VARIOUS SHERIFFS' OFFICES

SECTION 19A.3.(a) Of the two million seventy thousand dollars (\$2,070,000) appropriated in this act to the Department of Public Safety in the 2021-2022 fiscal year to be used to provide grant funds to county sheriffs' offices, the funds shall be allocated in equal amounts to the sheriffs' offices located in counties with a population of 210,000 or fewer, based upon 2019 Certified County Population Estimates from the State Demographer in the Office of State Budget and Management.

SECTION 19A.3.(b) Of the five million two hundred sixty-nine thousand dollars (\$5,269,000) appropriated in this act to the Department of Public Safety in the 2022-2023 fiscal year to be used to provide grant funds to county sheriffs' offices, the funds shall be allocated in equal amounts to the sheriffs' offices located in counties with a population of 210,000 or fewer, based upon 2019 Certified County Population Estimates from the State Demographer in the Office of State Budget and Management.

SECTION 19A.3.(c) The grants provided to sheriffs' offices in this section shall be used for expenses incurred by the offices from enforcing the laws of this State and carrying out other duties set by law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-DPS-H4(S19A.4)i

Department of Public Safety
House Appropriations, Justice and Public Safety

INTERNET CRIMES AGAINST CHILDREN INVESTIGATIONS

SECTION 19A.4.(a) Of the funds appropriated to the Department of Public Safety, the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds in each year of the 2021-2023 fiscal biennium shall be allocated to the North Carolina Sheriffs' Association, Inc., a nonprofit corporation, to be used as grants to sheriffs' offices and other local law enforcement agencies to investigate reports of internet crimes against children.

SECTION 19A.4.(b) The grant funds allocated under subsection (a) of this section shall be administered by the North Carolina Sheriffs' Association, which shall develop guidelines and procedures for the administration and distribution of grants to participating sheriffs' offices and local law enforcement agencies. These guidelines and procedures shall include the following requirements and limitations:

- (1) The maximum grant amount shall not exceed seventy-five thousand dollars (\$75,000) per recipient per fiscal year.
- (2) Recipient agencies shall be required to enter into a memorandum of agreement with the State Bureau of Investigation (SBI) governing the investigation of internet crimes against children.

SECTION 19A.4.(c) The North Carolina Sheriffs' Association shall submit the following reports to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety, to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety, and to the Fiscal Research Division:

- (1) No later than November 1, 2021, a report on the guidelines and procedures that will govern distribution and administration of grant funds distributed pursuant to this section.
- (2) No later than August 1, 2022, a report on the grant funds distributed pursuant to this section during the 2021-2022 fiscal year.
- (3) No later than August 1, 2023, a report on the grant funds distributed pursuant to this section during the 2022-2023 fiscal year.

SECTION 19A.4.(d) It is the intent of the General Assembly to strongly encourage sheriffs to enter into memoranda of agreement with the SBI to expeditiously investigate reports and tips regarding internet crimes against children and to consult with the SBI Computer Crimes Unit and North Carolina Internet Crimes Against Children Task Force.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-DPS-H5-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

CENTRAL ENGINEERING PRISON FACILITIES REPORT

SECTION #.(a) The Department of Public Safety, Central Engineering Section, shall report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than October 1, 2022, regarding the status of all Department of Public Safety prison facilities. The report shall include at a minimum the following:

- (1) Recommendations as to the repair and maintenance of each prison facility, including itemized cost estimates.
- (2) Recommendations as to the construction of any new prison facility, including itemized cost estimates.
- (3) Recommendations as to the closure of any prison facility.
- (4) Recommendations as to the prioritization and chronological implementation of projects recommended pursuant to this section.

SECTION #.(b) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-DPS-H6-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

**TRANSFER LAW ENFORCEMENT STANDARDS AND TRAINING TO THE
DEPARTMENT OF PUBLIC SAFETY**

**TRANSFER OF THE CRIMINAL JUSTICE EDUCATION AND TRAINING
STANDARDS COMMISSION AND RELATED PROVISIONS**

SECTION #.1.(a) The North Carolina Criminal Justice Education and Training Standards Commission established in Chapter 17C of the General Statutes is transferred from the Department of Justice to the Department of Public Safety. This transfer shall have all the elements of a Type II transfer, as defined in G.S. 143A-6.

SECTION #.1.(b) The Criminal Justice Standards Division established in G.S. 17C-9 is transferred from the Department of Justice to the Criminal Justice Standards Section of the Division of Administration of the Department of Public Safety. This transfer shall have all the elements of a Type I transfer, as defined in G.S. 143A-6.

SECTION #.1.(c) Chapter 17C of the General Statutes reads as rewritten:

"Chapter 17C.

"North Carolina Criminal Justice Education and Training Standards Commission.

"Article 1.

"General.

...

"§ 17C-4. Compensation.

...

(b) The Chairman of the Commission may appoint such ad hoc members of the Commission's standing and select committees as are necessary to carry out the business of the Commission, and such service shall be reimbursed as provided in G.S. 17C-4(a), subject to the approval of the ~~Attorney General~~ Secretary of Public Safety.

"§ 17C-5. Chairman; vice-chairman; other officers; meetings; reports.

...

(d) The Commission shall present regular and special reports and recommendations to the ~~Attorney General~~ Secretary of Public Safety or the General Assembly, or both, as the need may arise or as the ~~Attorney General~~ Secretary of Public Safety or General Assembly may request.

"§ 17C-6. Powers of Commission.

...

(b) The Commission shall have the following powers, which shall be advisory in nature and for which the Commission is not authorized to undertake any enforcement actions:

- (1) Identify types of criminal justice positions, other than entry level positions, for which advanced or specialized training and education are appropriate, and establish minimum standards for the certification of persons as being qualified for those positions on the basis of specified education, training, and experience; provided, that compliance with these minimum standards shall be

- discretionary on the part of criminal justice agencies with respect to their criminal justice ~~officers;~~officers.
- (2) Certify, pursuant to the standards that it has established for the purpose, criminal justice officers for those criminal justice agencies that elect to comply with the minimum education, training, and experience standards established by the Commission for positions for which advanced or specialized training, education, and experience are ~~appropriate;~~appropriate.
 - (3) Consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges, and other institutions concerning the development of criminal justice training schools and programs or courses of ~~instruction;~~instruction.
 - (4) Study and make reports and recommendations concerning criminal justice education and training in North ~~Carolina;~~Carolina.
 - (5) Conduct and stimulate research by public and private agencies which shall be designed to improve education and training in the administration of criminal ~~justice;~~justice.
 - (6) Study, obtain data, statistics, and information and make reports concerning the recruitment, selection, education, retention, and training of persons serving criminal justice agencies in this State; to make recommendations for improvement in methods of recruitment, selection, education, retention, and training of persons serving criminal justice ~~agencies;~~agencies.
 - (7) Make recommendations concerning any matters within its purview pursuant to this ~~Article;~~Article.
 - (8) Appoint such advisory committees as it may deem ~~necessary;~~necessary.
 - (9) Do such things as may be necessary and incidental to the administration of its authority pursuant to this ~~Article;~~Article.
 - (10) Formulate basic plans for and promote the development and improvement of a comprehensive system of education and training for the officers and employees of criminal justice agencies consistent with its rules and ~~regulations;~~regulations.
 - (11) Maintain liaison among local, State and federal agencies with respect to criminal justice education and ~~training;~~training.
 - (12) Promote the planning and development of a systematic career development program for criminal justice professionals.

...

"§ 17C-7. Functions of the ~~Department of Justice.~~Department of Public Safety.

(a) The ~~Attorney General~~Secretary of Public Safety shall provide such staff assistance as the Commission shall require in the performance of its duties.

(b) The ~~Attorney General~~Secretary of Public Safety shall have legal custody of all books, papers, documents, or other records and property of the Commission.

...

"§ 17C-9. Criminal Justice Standards ~~Division~~Section of the Division of Administration of the Department of Justice-Public Safety established; appointment of director; duties.

(a) There is hereby established, within the Department of ~~Justice,~~Public Safety, Division of Administration, the Criminal Justice Standards ~~Division, Section,~~ hereinafter called "the ~~Division,~~Section," which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations.

(b) The ~~Attorney General~~Secretary of Public Safety shall appoint a director for the ~~Division~~Section chosen from a list of three nominees submitted to him by the Commission who

1 shall be responsible to and serve at the pleasure of the ~~Attorney General~~ Secretary of Public
2 Safety and the Commission.

3 (c) The ~~Division~~ Section shall administer such programs as are assigned to it by the
4 Commission. The ~~Division~~ Section shall also administer such additional related programs as may
5 be assigned to it by the ~~Attorney General~~ Secretary of Public Safety or the General Assembly.
6 Administrative duties and responsibilities shall include, but are not limited to, the following:

- 7 (1) Administering any and all programs assigned to the ~~Division~~ Section by the
8 Commission and reporting any violations of or deviations from the rules and
9 regulations of the Commission as the Commission may ~~require~~ require.
- 10 (2) Compiling data, developing reports, identifying needs and performing
11 research relevant to beneficial improvement of the criminal justice
12 ~~agencies~~ agencies.
- 13 (3) Developing new and revising existing programs for adoption consideration by
14 the ~~Commission~~ Commission.
- 15 (4) Monitoring and evaluating programs of the ~~Commission~~ Commission.
- 16 (5) Providing technical assistance to relevant agencies of the criminal justice
17 system to aid them in the discharge of program participation and
18 ~~responsibilities~~ responsibilities.
- 19 (6) Disseminating information on Commission programs to concerned ~~agencies~~
20 ~~and/or individuals~~ agencies, individuals, or both.
- 21 (7) Taking such other actions as may be deemed necessary or appropriate to carry
22 out its assigned duties and ~~responsibilities~~ responsibilities.
- 23 (8) The director may divulge any information in the ~~Division's~~ Section's personnel
24 file of a criminal justice officer or applicant for certification to the head of the
25 criminal justice agency employing the officer or considering the applicant for
26 employment when the director deems it necessary and essential to the
27 retention or employment of said officer or applicant. The information may be
28 divulged whether or not such information was contained in a personnel file
29 maintained by a State or by a local government agency.

30 ...

31 "Article 2.

32 "North Carolina Criminal Justice Fellows Program.

33 "**§ 17C-20. Definitions.**

34 As used in this Article, the following definitions apply:

35 ...

- 36 (4) ~~Division. — The Criminal Justice Standards Division of the North Carolina~~
37 ~~Department of Justice.~~

38 ...

- 39 (9) Section. — The Criminal Justice Standards Section of the Division of
40 Administration of the Department of Public Safety.

41 ...

42 "**§ 17C-22. North Carolina Criminal Justice Fellows Program established; administration.**

43 (a) Program. — There is established the North Carolina Criminal Justice Fellows Program
44 to be administered by the Committee with the assistance of the ~~Division~~ Section. The purpose
45 of the Program is to increase the number of criminal justice professionals by providing forgivable
46 loans to exceptional individuals to obtain Applied Associate Degrees in Criminal Justice or other
47 Committee-approved related fields of study as preparation to enter a criminal justice profession.

48 (b) Program Administrator. — The Director of the ~~Division~~ Section shall select a member
49 of the ~~Division~~ Section staff, with the consent of the Committee, to serve as the Program
50 administrator. The Program administrator will be responsible for all administrative duties and

oversight of the Program as established by the Committee. The Program administrator will conduct recruitment efforts to include the following:

...
(g) Administration of Forgivable Loan Awards. – Upon the naming of recipients by the Committee, the ~~Division~~ Section shall perform all administrative functions necessary to implement this Article, which functions shall include dissemination of information, disbursement, receipt, liaison with participating community colleges, determination of the acceptability of service repayment agreements, and all other functions necessary for the execution, payment, and enforcement of promissory notes required under this Article.

...."

SECTION #1.(d) G.S. 74E-4 reads as rewritten:

"§ 74E-4. Powers of Attorney General.

The Attorney General has the following powers in addition to those conferred elsewhere in this Chapter:

...

(8) ~~To require that the Criminal Justice Standards Division provide administrative support staff for the Company Police Program.~~

...."

SECTION #1.(e) G.S. 74G-4 reads as rewritten:

"§ 74G-4. Powers of Attorney General.

The Attorney General has the following powers in addition to those conferred elsewhere in this Chapter:

...

(8) ~~To require that the Criminal Justice Standards Division provide administrative support staff for the Campus Police Program.~~

...."

SECTION #1.(f) G.S. 115D-5(b) reads as rewritten:

"(b) In order to make instruction as accessible as possible to all citizens, the teaching of curricular courses and of noncurricular extension courses at convenient locations away from institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata portion of the established regular tuition rate charged a full-time student shall be charged a part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of Community Colleges shall establish a uniform registration fee, or a schedule of uniform registration fees, to be charged students enrolling in extension courses for which instruction is financed primarily from State funds. The State Board of Community Colleges may provide by general and uniform regulations for waiver of tuition and registration fees for the following:

...

(2) Courses requested by the following entities that support the organizations' training needs and are on a specialized course list approved by the State Board of Community Colleges:

...

j. The Criminal Justice Standards Section of the Division of Administration of the Department of ~~Justice~~ Public Safety for the training of criminal justice professionals, as defined in G.S. 17C-20(6), who are required to be certified under (i) Article 1 of Chapter 17C of the General Statutes and the rules of the North Carolina Criminal Justice Education and Training Standards Commission or (ii) Chapter 17E of the General Statutes and the rules of the North Carolina Sheriffs' Education and Training Standards Commission. The waivers provided for in this sub-subdivision apply to participants and recent graduates of the North Carolina Criminal

Justice Fellows Program to obtain certifications for eligible criminal justice professions as defined in G.S. 17C-20(6).

...."

SECTION #1.(g) G.S. 143B-602 reads as rewritten:

"§ 143B-602. Powers and duties of the Secretary of Public Safety.

The Secretary of Public Safety shall have the powers and duties as are conferred on the Secretary by this Article, delegated to the Secretary by the Governor, and conferred on the Secretary by the Constitution and laws of this State. These powers and duties include the following:

...

(8) Other powers and duties. – The Secretary has the following additional powers and duties:

...

i. To require that the Criminal Justice Standards Section provide administrative support staff for the Company Police Program established in Chapter 74E of the General Statutes.

j. To require that the Criminal Justice Standards Section provide administrative support staff for the Campus Police Program established in Chapter 74G of the General Statutes."

SECTION #1.(h) Section 8(a) of S.L. 2020-64 reads as rewritten:

"SECTION 8.(a) Findings. – The General Assembly finds the following:

...

(5) Several reasons as to why correctional officers are presumed to qualify as "public safety employees" for purposes of the presumption set forth in subdivision (3) of this section are as follows:

a. To ensure a consistent level of competency and professionalism among law enforcement officials, the Criminal Justice Standards ~~Division~~ Section of the North Carolina Criminal Justice Training and Standards Commission administers the mandatory certification and training programs. The Commission certifies all public safety employees as a condition of employment, including (i) correctional officers, (ii) probation/parole officers, (iii) juvenile justice officers, and (iv) law enforcement officers.

...."

SECTION #1.(i) G.S. 143A-55.1 is repealed.

SECTION #1.(j) This section becomes effective October 1, 2021.

TRANSFER OF THE NORTH CAROLINA JUSTICE ACADEMY AND RELATED PROVISIONS

SECTION #2.(a) The North Carolina Justice Academy established in Chapter 17D of the General Statutes is transferred from the Department of Justice to the North Carolina Justice Academy Section of the Division of Training of the Department of Public Safety. This transfer shall have all the elements of a Type I transfer, as defined in G.S. 143A-6.

SECTION #2.(b) Chapter 17D of the General Statutes reads as rewritten:

"Chapter 17D.

"North Carolina Justice Academy.

"§ 17D-1. Definitions.

As used in this Chapter, unless the context otherwise requires:

...

(2) "Academy property" means property that is owned or leased in whole or in part by the State of North Carolina and which is subject to the general

management and control of the Department of ~~Justice~~-Public Safety and is located in Salemburg, North Carolina, or at any other locations within the State which are dedicated to the use of the North Carolina Justice Academy subsequent to this Chapter being enacted.

...

(6) "Department" means the Department of ~~Justice~~-Public Safety."

"§ 17D-2. Academy established; duties.

(a) The ~~North Carolina~~-Department of ~~Justice~~-Public Safety shall establish a North Carolina Justice Academy.

(b) The Department of ~~Justice~~-Public Safety shall employ the staff of the academy and direct its operations.

(c) ~~Duties of the academy.~~ The North Carolina Justice Academy shall have, but is not limited to, the following ~~functions~~-duties:

...

"§ 17D-3. Donations.

The Department of ~~Justice~~-Public Safety may accept for any of its purposes and functions under this Article any and all donations, both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation. Any arrangements pursuant to this section shall be detailed in an annual report of the academy. Such reports shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any money received by the Department of ~~Justice~~-Public Safety pursuant to this section shall be deposited in the State Treasury to the account of the academy. All moneys involved shall be subject to audit by the State Auditor.

"§ 17D-4. Application of State highway and motor vehicles laws at the academy; authority of Department of ~~Justice~~-Public Safety to regulate traffic, etc.

(a) Except as otherwise provided in this section, all of the provisions of Chapter 20 of the General Statutes relating to the use of highways of the State and the operation of vehicles thereon are applicable to all streets, alleys, driveways, and parking lots on academy property. Nothing in this section modifies any rights of ownership or control of academy property, now or hereafter vested in the State of North Carolina ex rel., Department of ~~Justice~~-Public Safety.

(b) The Department of ~~Justice~~-Public Safety may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of vehicles and other modes of conveyance on the campus. In fixing speed limits, the Department of ~~Justice~~-Public Safety is not subject to G.S. 20-141(f) or (g), but may fix any speed limit reasonable and safe under the circumstances as conclusively determined by the Department of ~~Justice~~-Public Safety. The Department of ~~Justice~~-Public Safety may not regulate traffic on streets open to the public as of right, except as specifically provided in this section.

(c) The Department of ~~Justice~~-Public Safety may by ordinance provide for the registration of vehicles maintained or operated on the campus by any student, faculty member, or employee of the academy and may fix fees for such registration. The ordinance may make it unlawful for any person to operate an unregistered vehicle on the campus when the vehicle is required by the ordinance to be registered.

(d) The Department of ~~Justice~~-Public Safety may by ordinance set aside parking lots on the campus for use by students, faculty, and employees of the academy and members of the general public attending schools, conferences, or meetings at the academy, visiting or making use of any academy facilities, or attending to official business with the academy. The Department of ~~Justice~~-Public Safety may issue permits to park in these lots and may charge a fee therefor. The Department of ~~Justice~~-Public Safety may also by ordinance make it unlawful for any person to park a vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle.

1 (e) The Department of ~~Justice~~Public Safety may by ordinance provide for the issuance
2 of stickers, decals, permits or other indicia representing the registration of vehicles or the
3 eligibility of vehicles to park on the campus and may by ordinance prohibit the forgery,
4 counterfeiting, unauthorized transfer, or unauthorized use of such stickers, decals, permits or
5 other indicia.

6 ...

7 (g) An ordinance adopted under this section may provide that a violation will subject the
8 offender to a civil penalty. Penalties may be graduated according to the seriousness of the offense
9 or the number of prior offenses committed by the person charged. The Department of ~~Justice~~
10 Public Safety may establish ~~procedure~~procedures for the collection of these penalties and may
11 enforce the penalties by civil action in the nature of debt. The Department of ~~Justice~~Public Safety
12 may also provide for appropriate administrative sanctions if an offender does not pay a validly
13 due penalty or has committed repeated offenses. Appropriate administrative sanctions include,
14 but are not limited to, revocation of parking permits, termination of vehicle registration, and
15 termination or suspension of enrollment in or employment by the academy.

16 ...

17 (i) Evidence that a vehicle was found parked or unattended in violation of a ~~council~~
18 Department of Public Safety ordinance is prima facie evidence that the vehicle was parked ~~by~~by
19 either:

- 20 (1) The person holding an academy parking permit for the ~~vehicle~~vehicle.
21 (2) If no academy parking permit has been issued for the vehicle, the person in
22 whose name the vehicle is registered with the academy pursuant to subsection
23 ~~(e)~~(c).

24 ...

25 The rule of evidence established by this subsection applies only in civil, criminal, or
26 administrative actions or proceedings concerning violations of ordinances of the Department of
27 ~~Justice~~Public Safety. G.S. 20-162.1 does not apply to such actions or proceedings.

28 (j) The Department of ~~Justice~~Public Safety shall cause to be posted appropriate notice
29 to the public of applicable traffic and parking restrictions.

30 (k) All ordinances adopted under this section shall be filed in the offices of the ~~North~~
31 ~~Carolina Attorney General~~Secretary of Public Safety and the Secretary of State. The Department
32 of ~~Justice~~Public Safety shall provide for printing and distributing copies of its traffic and parking
33 ordinances.

34"

35 **SECTION #.2.(c)** G.S. 115C-105.55(b)(6) reads as rewritten:

36 "(6) A representative from the North Carolina Justice Academy appointed by the
37 ~~Attorney General~~Secretary of Public Safety."

38 **SECTION #.2.(d)** The representative from the North Carolina Justice Academy
39 serving on the Task Force for Safer Schools established under G.S. 115C-105.55 as of the
40 effective date of this section shall serve the remainder of the person's term. Upon the expiration
41 of the person's term, or if a vacancy otherwise occurs for the position the representative is filling,
42 the Secretary of Public Safety shall appoint the representative to serve on the Task Force for
43 Safer Schools in accordance with G.S. 115C-105.55(b)(6), as amended by subsection (c) of this
44 section.

45 **SECTION #.2.(e)** Part 6 of Article 13 of Chapter 143B of the General Statutes, as
46 amended by Section ##.5 of this act, is amended by adding a new Subpart to read:

47 "Subpart E. Training

48 **"§ 143B-1207. Training; powers and duties.**

49 The Secretary of Public Safety shall have the power and duty to implement Chapter 17D of
50 the General Statutes and to manage and operate the Samarca Training Academy."

51 **SECTION #.2.(f)** This section becomes effective October 1, 2021.

1
2 **TRANSFER OF THE SHERIFFS' EDUCATION AND TRAINING STANDARDS**
3 **COMMISSION AND RELATED PROVISIONS**

4 **SECTION #.3.(a)** The North Carolina Sheriffs' Education and Training Standards
5 Commission established in Chapter 17E of the General Statutes is transferred from the
6 Department of Justice to the Department of Public Safety. This transfer shall have all the elements
7 of a Type II transfer, as defined in G.S. 143A-6.

8 **SECTION #.3.(b)** The Justice Officers' Standards Division established in
9 G.S. 17E-6 is transferred from the Department of Justice to the Justice Officers' Standards
10 Section of the Division of Administration of the Department of Public Safety. This transfer shall
11 have all the elements of a Type I transfer, as defined in G.S. 143A-6.

12 **SECTION #.3.(c)** Chapter 17E of the General Statutes reads as rewritten:

13 **"Chapter 17E.**

14 **"North Carolina Sheriffs' Education and Training Standards Commission.**

15 ...

16 **"§ 17E-2. Definitions.**

17 Unless the context clearly requires otherwise, the following definitions apply to this Chapter:

18 ...

19 (3) "Justice officer" ~~means;~~ means either:

- 20 a. A person who, through the special trust and confidence of the sheriff,
21 has taken the oath of office prescribed by Chapter 11 of the General
22 Statutes as a peace officer in the office of the sheriff. This term
23 includes "deputy sheriffs", "reserve deputy sheriffs", and "special
24 deputy sheriffs", but does not include clerical and support personnel
25 not required to take an oath. The term "special deputy" means a person
26 who, through appointment by the sheriff, becomes an unpaid criminal
27 justice officer to perform a specific act directed by the ~~sheriff;~~
28 or sheriff.
- 29 b. A person who, through the special trust and confidence of the sheriff,
30 has been appointed as a detention officer by the ~~sheriff;~~ or sheriff.
- 31 c. A person who is either the administrator or other custodial personnel
32 of district confinement facilities as defined in G.S. 153A-219;
33 however, nothing in this Chapter transfers any supervisory or
34 administrative control over employees of district confinement
35 facilities to the office of the ~~sheriff;~~ or sheriff.

36 ...

37 **"§ 17E-3. North Carolina Sheriffs' Education and Training Standards Commission**
38 **established; members; terms; vacancies.**

39 ...

40 (d) Compensation. – None of the members of the Commission shall receive
41 compensation for serving on the Commission. However, if the North Carolina Department of
42 ~~Justice-Public Safety~~ has funds available, then members of the Commission who are State officers
43 or employees may be reimbursed for their expenses in accordance with G.S. 138-6; members of
44 the Commission who are full-time salaried public officers or employees other than State officers
45 or employees may be reimbursed for their expenses in accordance with G.S. 138-5(b). All other
46 members of the Commission may receive compensation and reimbursement for expenses in
47 accordance with G.S. 138-5.

48 ...

49 **"§ 17E-4. Powers and duties of the Commission.**

1 (a) The Commission shall have the following powers, duties, and responsibilities, which
2 are enforceable through its rules and regulations, certification procedures, or the provisions of
3 G.S. 17E-8 and G.S. 17E-9:

4 (1) Promulgate rules and regulations for the administration of this Chapter, which
5 rules may require (i) the submission by any agency of information with respect
6 to the employment, education, and training of its justice officers, and (ii) the
7 submission by any training school of information with respect to its programs
8 that are required by this ~~Chapter~~Chapter.

9 ...

10 (3) Certify, pursuant to the standards that it may establish for the purpose, persons
11 as qualified under the provisions of this Chapter who may be employed at
12 entry level as ~~officers~~officers.

13 (4) Establish minimum standards for the certification of training schools and
14 programs or courses of instruction that are required by this ~~Chapter~~Chapter.

15 (5) Certify, pursuant to the standards that it has established for the purpose,
16 training schools and programs or courses of instruction that are required by
17 this ~~Chapter~~Chapter.

18 (6) Establish standards and levels of education or equivalent experience for
19 teachers who participate in programs or courses of instruction that are required
20 by this ~~Chapter~~Chapter.

21 (7) Certify, pursuant to the standards that it has established for the purpose,
22 teachers who participate in programs or courses of instruction that are required
23 by this ~~Chapter~~Chapter.

24 (8) Investigate and make such evaluations as may be necessary to determine if
25 agencies are complying with the provision of this ~~Chapter~~Chapter.

26 (9) Adopt and amend bylaws, consistent with law, for its internal management
27 and ~~control~~control.

28 (10) Enter into contracts incident to the administration of its authority pursuant to
29 this ~~Chapter~~Chapter.

30 ...

31 (b) The Commission shall have the following powers, which shall be advisory in nature
32 and for which the Commission is not authorized to undertake any enforcement actions:

33 (1) Certify, pursuant to the standards that it has established for the purpose, justice
34 officers for those law-enforcement agencies that elect to comply with the
35 minimum education, training, and experience standards established by the
36 Commission for positions for which advanced or specialized training,
37 education, and experience are ~~appropriate~~appropriate.

38 (2) Consult and cooperate with counties, agencies of this State, other
39 governmental agencies, and with universities, colleges, junior colleges, and
40 other institutions, public or private, concerning the development of training
41 schools and programs or courses of ~~instruction~~instruction.

42 (3) Study and make reports and recommendations concerning justice education
43 and training in North ~~Carolina~~Carolina.

44 (4) Conduct and stimulate research by public and private agencies which shall be
45 designed to improve education and training in the administration of
46 ~~justice~~justice.

47 (5) Study, obtain data, statistics, and information and make reports concerning the
48 recruitment, selection, education and training of persons serving justice
49 agencies in this State; to make recommendations for improvement in methods
50 of recruitment, selection, education and training of persons serving sheriffs'
51 ~~departments~~departments.

- (6) Study and make reports and recommendations to the Governor, Attorney General, Secretary of Public Safety, Chief Justice, President of the Senate and Speaker of the House, concerning the manpower, salary and equipment needs of the sheriffs of the ~~State~~; State.
- (7) Make recommendations concerning any matters within its purview pursuant to this ~~Chapter~~; Chapter.
- (8) Appoint such advisory committees as it may deem ~~necessary~~; necessary.
- (9) Do such things as may be necessary and incidental to the administration of its authority pursuant to this ~~Chapter~~; Chapter.
- (10) Formulate basic plans for and promote the development and improvement of a comprehensive system of education and training for the officers and employees of agencies consistent with its rules and ~~regulations~~; regulations.
- (11) Maintain liaison among municipal, State and federal agencies with respect to education and ~~training~~; training.

...

"§ 17E-5. Functions of the Department of ~~Justice~~ Public Safety.

(a) The ~~Attorney General~~ Secretary of Public Safety shall provide such staff assistance as the Commission shall require and direct in the performance of its duties.

(b) The ~~Attorney General~~ Secretary of Public Safety shall have legal custody of all books, papers, documents, or other records and property of the Commission.

"§ 17E-6. Justice Officers' Standards ~~Division~~ Section established; appointment of director; duties.

(a) There is hereby established, within the Division of Administration of the Department of ~~Justice~~ Public Safety, the Justice Officers' Standards ~~Division~~ Section hereinafter called "the ~~Division~~, " Section," which shall be organized and staffed in accordance with applicable laws and regulations and within the limits of authorized appropriations.

(b) The ~~Attorney General~~ Secretary of Public Safety shall appoint a director for the ~~Division~~ Section chosen from a list of nominees submitted to ~~him~~ the Secretary of Public Safety by the Commission who shall be responsible to and serve at the pleasure of the ~~Attorney General~~ Secretary of Public Safety and the Commission.

(c) The ~~Division~~ Section shall administer such programs as are assigned to it by the Commission. Administrative duties and responsibilities shall include, but are not limited to, the following:

- (1) Administering any and all programs assigned to the ~~Division~~ Section by the Commission and reporting any violations of or deviations from the rules and regulations of the Commission as the Commission may ~~require~~; require.
- (2) Compiling data, developing reports, identifying needs and performing research relevant to improvement of the ~~agencies~~; agencies.
- (3) Developing new and revising existing programs for adoption consideration by the ~~Commission~~; Commission.
- (4) Monitoring and evaluating programs of the ~~Commission~~; Commission.
- (5) Providing technical assistance to agencies of the justice system to aid them in the discharge of program participation and ~~responsibilities~~; responsibilities.
- (6) Disseminating information on Commission programs to concerned agencies or ~~individuals~~; individuals.
- (7) Taking such other actions as may be deemed necessary or appropriate to carry out its assigned duties and ~~responsibilities~~; responsibilities.
- (8) The director may divulge any information in the ~~Division's~~ Section's personnel file of a justice officer or applicant for certification to the head of the department employing the officer or considering the applicant for employment when the director deems it necessary and essential to the retention or

1 employment of ~~said-the~~ officer or applicant. The information may be divulged
2 whether or not ~~such-the~~ information was contained in a personnel file
3 maintained by a State or by a local government agency.

4 **"§ 17E-7. Required standards.**

5 ...

6 (b) The Commission shall provide, by regulation, that no person may be appointed as a
7 justice officer at entry level, except on a temporary or probationary basis, unless ~~such-the~~ person
8 has satisfactorily completed an initial preparatory program of training at a school certified by the
9 Commission or has been exempted from that requirement by the Commission pursuant to this
10 Chapter. Upon separation of a justice officer from a sheriff's department within the temporary or
11 probationary period of appointment, the probationary certification shall be terminated by the
12 Commission. Upon the reappointment to the same department or appointment to another
13 department of an officer who has separated from a department within the probationary period,
14 the officer shall be charged with the amount of time served during his initial appointment and
15 allowed the remainder of the probationary period to complete the basic training requirement.
16 Upon the reappointment to the same department or appointment to another department of an
17 officer who has separated from a department within the probationary period and who has
18 remained out of service for more than one year from the date of separation, the officer shall be
19 allowed another probationary period to complete such training as the Commission shall require
20 by rule for an officer returning to service.

21 (c) In addition to the requirements of subsection (b) of this section, the Commission, by
22 rules and regulations, may fix other qualifications for the employment and retention of justice
23 officers including minimum age, education, physical and mental standards, citizenship, good
24 moral character, experience, and ~~such~~ other matters as relate to the competence and reliability of
25 persons to assume and discharge the responsibilities of the office, and the Commission shall
26 prescribe the means for presenting evidence of fulfillment of these requirements.

27 Where minimum educational standards are not met, yet the individual shows potential and a
28 willingness to achieve the standards by extra study, they may be waived by the Commission for
29 the reasonable amount of time it will take to achieve the standards required. Upon petition from
30 a sheriff, the Commission may grant a waiver of any provisions of this section (17E-7) for any
31 justice officer serving that sheriff.

32 ...

33 (d) The Commission may issue a certificate evidencing satisfaction of the requirements
34 of subsections (b), (c), and (c1) of this section to any applicant who presents ~~such~~ evidence as
35 may be required by its rules and regulations of satisfactory completion of a program or course of
36 instruction in another jurisdiction.

37 **"§ 17E-8. Special requirements; authorizations.**

38 ...

39 (b) Any sheriff or justice officer, who has taken the oath of office, or person who has
40 received a special deputation for the purpose from the sheriff, acts validly, and his arrests,
41 executions, levies and sales are valid, without regard to whether he has complied with this
42 Chapter or the rules or regulations adopted under this Chapter, unless he has been ordered to
43 cease and desist from ~~such-those~~ actions by the court, or pursuant to G.S. 17E-9.

44 **"§ 17E-9. Compliance; enforcement.**

45 ...

46 (c) The Commission may appear in its own name and apply to courts having jurisdiction
47 for injunctions to prevent violations of this Chapter or of rules issued pursuant ~~thereto; to this~~
48 Chapter; specifically, the performance of justice officer functions by officers or individuals who
49 are not in compliance with the standards and requirements of this Chapter or of rules issued
50 pursuant ~~thereto; to this Chapter~~. A single act of performance of a justice officer function by an

1 officer or individual who is performing ~~such that~~ function in violation of this Chapter is sufficient,
2 if shown, to invoke the injunctive relief of this section.

3 **"§ 17E-10. Donations to the Commission; grants and appropriations.**

4 (a) The Commission may accept for any of its purposes and functions under this Chapter
5 any and all donations, both real and personal, and grants of money from any governmental unit
6 or public agency, or from any institution, person, firm or corporation, and may receive, utilize
7 and dispose of same. Any arrangement pursuant to this section shall be detailed in a biennial
8 report of the Commission to the General Assembly. ~~Such~~ The report shall include the identity of
9 the donor, the nature of the transaction, and the conditions, if any. Any money received by the
10 Commission pursuant to this section shall be deposited in the State Treasury to the account of
11 the Commission.

12 ...

13 (d) The Commission may provide grants as a reimbursement for actual expenses incurred
14 by the State or any political subdivision ~~thereof of the State~~ for the provision of training programs
15 providing ~~said the~~ political subdivisions and State law-enforcement agencies do adhere to the
16 selection and training standards established by the Commission.

17"

18 **SECTION #3.(d)** G.S. 143A-55.2 is repealed.

19 **SECTION #3.(e)** This section becomes effective October 1, 2021.

20
21 **CREATION OF THE DIVISION OF TRAINING**

22 **SECTION #4.(a)** Part 4 of Article 13 of Chapter 143B of the General Statutes is
23 amended by adding a new Subpart to read:

24 "Subpart G. Division of Training.

25 **"§ 143B-993. Creation of Division of Training.**

26 (a) There is established, within the Department of Public Safety, the Division of Training,
27 which shall be organized and staffed in accordance with applicable laws and regulations and
28 within the limits of authorized appropriations.

29 (b) The Division of Training shall have the following powers and duties:

30 (1) To exercise the powers and duties conferred on it by this Article.

31 (2) To exercise any other powers vested by law.

32 **"§ 143B-993.1. Creation of North Carolina Justice Academy Section.**

33 There is hereby created and constituted a section to be known as the "North Carolina Justice
34 Academy Section of the Division of Training of the Department of Public Safety" with the
35 organization, powers, and duties as set forth in this Article or as prescribed by the Director of the
36 Division of Training."

37 **SECTION #4.(b)** This section becomes effective October 1, 2021.

38
39 **CREATION OF SECTIONS WITHIN THE DIVISION OF ADMINISTRATION**

40 **SECTION #5.(a)** Part 6 of Article 13 of Chapter 143B of the General Statutes is
41 amended by adding new Subparts to read:

42 "Subpart C. Criminal Justice Standards Section.

43 **"§ 143B-1190. Creation of Criminal Justice Standards Section.**

44 There is hereby created and constituted a section to be known as the "Criminal Justice
45 Standards Section of the Division of Administration of the Department of Public Safety" with
46 the organization, powers, and duties as set forth in this Article or as prescribed by the Director
47 of the Criminal Justice Standards Section.

48 "Subpart D. Justice Officers' Standards Section.

49 **"§ 143B-1195. Creation of Justice Officers' Standards Section.**

50 There is hereby created and constituted a section to be known as the "Justice Officers'
51 Standards Section of the Division of Administration of the Department of Public Safety" with

1 the organization, powers, and duties as set forth in this Article or as prescribed by the Director
2 of the Justice Officers' Standards Section."

3 **SECTION #.5.(b)** The Office of State Budget and Management is directed to create
4 a fund code within the Department of Public Safety, Division of Administration, to house the
5 staff of both the Criminal Justice Standards Section and the Justice Officers' Standards Section.

6 **SECTION #.5.(c)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-DPS-H7-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

TRANSFER AND RENAME THE BOXING COMMISSION

SECTION #.(a) The Boxing Commission created under G.S. 143-652.2 is transferred to the Department of Public Safety and renamed the "North Carolina Boxing and Combat Sports Commission." This transfer has all of the elements of a Type II transfer, as described in G.S. 143A-6, except that the management functions of the Commission shall not be performed under the direction and supervision of the Secretary of Public Safety.

SECTION #.(b) G.S. 143-651(4b) reads as rewritten:

"(4b) Commission. – The ~~Boxing~~ North Carolina Boxing and Combat Sports Commission."

SECTION #.(c) G.S. 143-652.1(b) reads as rewritten:

"(b) Enforcement. – Except as otherwise authorized under G.S. 143-652.2(f), the Executive Director of the Commission shall investigate and enforce violations of this Article through the ALE Division. The ALE Division shall assist the Executive Director in investigating and enforcing violations of this Article."

SECTION #.(d) G.S. 143-652.2 reads as rewritten:

"§ 143-652.2. ~~Boxing~~ The North Carolina Boxing and Combat Sports Commission.

(a) Creation. – The ~~Boxing~~ North Carolina Boxing and Combat Sports Commission is created for the purposes set forth in G.S. 143-652.1. The Commission shall be administratively located within the Department of ~~Commerce~~ Public Safety, but shall exercise its powers independently of the Secretary of ~~Commerce~~ Public Safety. The Commission shall consist of six voting members and two nonvoting advisory members. All the members shall be residents of North Carolina. The members shall be appointed as follows:

...

(4) One voting member shall be appointed by the Secretary of ~~Commerce~~ Public Safety for an initial term of three years.

...

Appointments by the General Assembly pursuant to subdivisions (2) and (3) of this subsection shall be made in accordance with G.S. 120-121. The member appointed pursuant to subdivision (6) of this subsection may serve on the Commission only if an agreement exists and remains in effect between the Tribal Council of the Eastern Band of the Cherokee and the Commission authorizing the Commission to regulate professional boxing matches within the Cherokee Indian Reservation as provided by the Professional Boxing Safety Act of 1996.

The two nonvoting advisory members appointed pursuant to subdivisions (7) and (8) of this subsection shall advise the Commission on matters concerning the health and physical condition of boxers and health issues relating to the conduct of exhibitions and boxing matches. They may prepare and submit to the Commission for its approval any rules that in their judgment will safeguard the physical welfare of all participants engaged in boxing.

Terms for all members of the Commission except for the initial appointments shall be for three years.

1 The Governor shall designate which member of the Commission is to serve as chair. A
2 member appointed pursuant to subdivision (1) or (6) of this subsection shall serve at the
3 Governor's pleasure. The other members of the Commission may be removed from office by the
4 member's appointing authority for cause. Members of the Commission are subject to the conflicts
5 of interest requirements of 15 U.S.C. § 6308 (contained in the Professional Boxing Safety Act of
6 1996, as amended). Each member, before entering upon the duties of a member, shall take and
7 subscribe an oath to perform the duties of the office faithfully, impartially, and justly to the best
8 of the member's ability. A record of these oaths shall be filed in the Department of
9 ~~Commerce~~Public Safety.

10 ...

11 (f) Staff Assistance. – The Commission shall hire a person to serve as Executive Director
12 of the Commission. If necessary, the Executive Director may train and contract with independent
13 contractors for the purpose of regulating and monitoring events, issuing licenses, collecting fees,
14 and enforcing rules of the Commission. The Executive Director may initiate and review criminal
15 background checks on persons requesting to work as independent contractors for the Commission
16 or persons applying to be licensed by the Commission. The Commission may also hire additional
17 staff. The Executive Director is exempt from provisions of the North Carolina Human Resources
18 Act as provided by G.S. 126-5. All other staff of the Commission are subject to the North
19 Carolina Human Resources Act.

20"

21 **SECTION #.(e)** G.S. 126-5(c1) is amended by adding a new subdivision to read:

22 "(37) The Executive Director of the North Carolina Boxing and Combat Sports
23 Commission created pursuant to G.S. 143-652.2."

24 **SECTION #.(f)** The initial appointment to the North Carolina Boxing and Combat
25 Sports Commission under G.S. 143-652.2(a)(4), as amended by subsection (d) of this section,
26 shall be for a term commencing July 1, 2021. The term of the member serving on the Boxing
27 Commission pursuant to G.S. 143-652.2(a)(4) as of June 30, 2021, expires on the effective date
28 of this section.

29 **SECTION #.(g)** Funds in the State Boxing Revenue Account within the Department
30 of Commerce as of the effective date of this section shall be transferred into the State Boxing
31 Revenue Account within the Department of Public Safety. Once these funds have been
32 transferred, the State Boxing Revenue Account within the Department of Commerce shall be
33 closed.

34 **SECTION #.(h)** The North Carolina Boxing and Combat Sports Commission shall
35 take all steps necessary to ensure the Commission is fully receipt-supported by the beginning of
36 the 2023-2025 fiscal biennium, including the adjustment of fees authorized to be collected under
37 G.S. 143-655. By October 1, 2022, the Commission shall submit a report to the Joint Legislative
38 Oversight Committee on Justice and Public Safety detailing the steps taken by the Commission
39 to complete the requirement set forth in this subsection.

40 **SECTION #.(i)** The implementation of this section shall not affect any investigation
41 pursuant to Article 68 of Chapter 143 of the General Statutes ongoing as of the effective date of
42 this section. Any hearing or proceeding pursuant to Article 68 of Chapter 143 of the General
43 Statutes ongoing as of the effective date of this section shall continue. Prosecutions for offenses
44 or violations committed prior to the effective date of this section are not abated or affected by
45 this section, and the statutes that would be applicable but for this section shall remain applicable
46 to those prosecutions.

47 **SECTION #.(j)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-DPS-H8-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

HUMAN TRAFFICKING EDUCATION DIRECTED GRANT AND REPORT

SECTION #.(a) Of the funds appropriated in this act to the Department of Public Safety to be allocated as a directed grant to The Ursus Institute, a nonprofit corporation, the funds shall be used to develop training materials and administer training sessions educating individuals on how to recognize the signs and situations that are indicative of human trafficking. The training materials and sessions shall be developed and administered to educate law enforcement officers, child protection service agents, and elected and assistant district attorneys in Mecklenburg, Union, Gaston, Lincoln, and Cabarrus Counties.

SECTION #.(b) The Ursus Institute shall report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than December 1, 2022, regarding the implementation of the directives of this act. At a minimum, the report shall include the following:

- (1) A thorough explanation of the implementation of the directives of this act.
- (2) An accounting of the use of funds provided by this act.
- (3) An explanation of feedback and recommendations solicited from and provided by participants of the Institute's training sessions.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-DPS-H10-P

Department of Public Safety
House Appropriations, Justice and Public Safety

Requested by

RELOCATION OF ALE HEADQUARTERS AND REGIONAL OFFICES

SECTION #.(a) Subsections (b) and (c) of Section 1 of S.L. 2019-203 are repealed.

SECTION #.(b) From funds appropriated in this act to the Department of Public Safety, the Department shall relocate the Alcohol Law Enforcement (ALE) headquarters and regional offices.

SECTION #.(c) This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-LAW-H1(S19B.1)i

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

STATE CAPITOL POLICE/CREATION OF RECEIPT-SUPPORTED POSITIONS

SECTION 19B.1.(a) Creation of Receipt-Supported Positions Authorized. – The State Capitol Police may contract with State agencies for the creation of receipt-supported positions to provide security services to the buildings occupied by those agencies.

SECTION 19B.1.(b) Annual Report Required. – No later than September 1 of each fiscal year, the State Capitol Police shall report to the Joint Legislative Oversight Committee on Justice and Public Safety the following information for the fiscal year in which the report is due:

- (1) A list of all positions in the State Capitol Police. For each position listed, the report shall include at least the following information:
 - a. The position type.
 - b. The agency to which the position is assigned.
 - c. The source of funding for the position.
- (2) For each receipt-supported position listed, the contract and any other terms of the contract.

SECTION 19B.1.(c) Additional Reporting Required Upon Creation of Receipt-Supported Positions. – In addition to the report required by subsection (b) of this section, the State Capitol Police shall report the creation of any position pursuant to subsection (a) of this section to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and to the Fiscal Research Division within 30 days of the position's creation. A report submitted pursuant to this section shall include at least all of the following information:

- (1) The position type.
- (2) The agency to which the position is being assigned.
- (3) The position salary.
- (4) The total amount of the contract.
- (5) The terms of the contract.

SECTION 19B.1.(d) Format of Reports. – Reports submitted pursuant to this section shall be submitted electronically and in accordance with any applicable General Assembly standards.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-LAW-H2(S19B.2)i

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

USE OF SEIZED AND FORFEITED PROPERTY

SECTION 19B.2.(a) Seized and forfeited assets transferred to the Department of Justice or to the Department of Public Safety during the 2021-2023 fiscal biennium pursuant to applicable federal law shall be credited to the budget of the recipient department and shall result in an increase of law enforcement resources for that department. The Department of Public Safety and the Department of Justice shall each make the following reports to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety:

- (1) A report upon receipt of any assets.
- (2) A report that shall be made prior to use of the assets on their intended use and the departmental priorities on which the assets may be expended.
- (3) A report on receipts, expenditures, encumbrances, and availability of these assets for the previous fiscal year, which shall be made no later than September 1 of each year.

SECTION 19B.2.(b) The General Assembly finds that the use of seized and forfeited assets transferred pursuant to federal law for new personnel positions, new projects, acquisition of real property, repair of buildings where the repair includes structural change, and construction of or additions to buildings may result in additional expenses for the State in future fiscal periods. Therefore, the Department of Justice and the Department of Public Safety are prohibited from using these assets for such purposes without the prior approval of the General Assembly.

SECTION 19B.2.(c) Nothing in this section prohibits State law enforcement agencies from receiving funds from the United States Department of Justice, the United States Department of the Treasury, and the United States Department of Health and Human Services.

SECTION 19B.2.(d) The Joint Legislative Oversight Committee on Justice and Public Safety shall study the impact on State and local law enforcement efforts of the receipt of seized and forfeited assets. The Committee shall report its findings and recommendations prior to the convening of the 2022 Regular Session of the 2021 General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-LAW-H4(S19B.4)-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

REQUEST FOR PROPOSALS FOR VIPER SYSTEM

SECTION 19B.4.(a) Prior to using the funds appropriated in this act for the purchase of equipment or maintenance or both of the Voice Interoperability Plan for Emergency Responders (VIPER) System, the Department of Public Safety shall issue a request for proposals for that equipment or maintenance or both.

SECTION 19B.4.(b) The Department of Public Safety shall report the proposals submitted pursuant to subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public Safety no later than 20 days after the deadline to submit proposals has passed.

SECTION 19B.4.(c) The Department of Public Safety shall not award a contract in response to the request for proposals required by subsection (a) of this section until 30 days have passed following the submission of the report required by subsection (b) of this section. Once a contract has been awarded pursuant to this section, the Department of Public Safety may use the funds referenced in subsection (a) of this section to contract with a vendor to equip, maintain, or equip and maintain the VIPER System.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-LAW-H6-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by

MODIFY TERM OF DIRECTOR OF THE STATE BUREAU OF INVESTIGATION

SECTION #.(a) G.S. 143B-926(a) reads as rewritten:

"(a) The Director of the State Bureau of Investigation shall be appointed by the Governor for a term of ~~eight-six~~ six years subject to confirmation by the General Assembly by joint resolution. The term of office of the Director of the State Bureau of Investigation shall be for ~~eight-six~~ six years; the first full six-year term shall begin July 1, ~~2015-2023~~. The name of the person to be appointed by the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before May 1 of the year in which the term for which the appointment is to be made expires. Upon failure of the Governor to submit a name as herein provided, the President Pro Tempore of the Senate and the Speaker of the House of Representatives jointly shall submit a name of an appointee to the General Assembly on or before May 15 of the same year. The appointment shall then be made by enactment of a bill. The bill shall state the name of the person being appointed, the office to which the appointment is being made, the effective date of the appointment, the date of expiration of the term, the residence of the appointee, and that the appointment is made upon the joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. Nothing precludes any member of the General Assembly from proposing an amendment to any bill making such an appointment. If there is no vacancy in the office of the Director of the State Bureau of Investigation, and a bill that would confirm the appointment of the person as Director fails a reading in either chamber of the General Assembly, then the Governor shall submit a new name within 30 days."

SECTION #.(b) This section becomes effective June 30, 2023.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-LAW-H7-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by

DIRECT USE OF FEDERAL RAP BACK PROGRAM

SECTION #.(a) Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-972.1. Criminal record checks for North Carolina Criminal Justice Education and Training Standards Commission and North Carolina Sheriffs' Education and Training Standards Commission; fingerprints sent to Federal Bureau of Investigation.

(a) The Department of Public Safety shall provide to the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission from the State and National Repositories of Criminal Histories the criminal history of any person who applies for certification or is certified as a criminal justice officer or justice officer or any other position that requires certification with either Commission. The Commissions shall provide to the State Bureau of Investigation the fingerprints of the applicants and certified officers and any other identifying information requested by the State Bureau of Investigation related to the requirements of relevant State and federal information databases, as well as its own information databases.

(b) The State Bureau of Investigation shall enroll each individual whose fingerprints are received under this section in the Federal Bureau of Investigation's Record of Arrest and Prosecution Background (Rap Back) Service.

(c) The State Bureau of Investigation shall maintain the fingerprints of the applicants and certified officers submitted pursuant to this section in the Statewide Automated Fingerprint Identification System (SAFIS) consistent with SubChapter B of Chapter 09 and SubChapter B of Chapter 10 of Title 12 of the North Carolina Administrative Code.

(d) Within 15 business days of receiving notification by either Commission that the individual whose fingerprints have been stored in SAFIS pursuant to subsection (c) of this section has separated from employment and a Department of Justice Report of Separation Form F-5B has been filed with either Commission, the State Bureau of Investigation shall remove the individual's fingerprints from SAFIS.

(e) The Commissions shall keep all information obtained pursuant to this section confidential."

SECTION #.(b) No later than June 30, 2022, any person certified by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission on the effective date of this act shall electronically submit their fingerprints to the State Bureau of Investigation or, if so directed, to their certifying Commission, who shall forward the fingerprints to the State Bureau of Investigation. The State Bureau of Investigation shall search the State's criminal history record file, shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check, and shall maintain the fingerprints pursuant to G.S. 143B-972.1 as enacted by Section 1 of this act.

SECTION #.(c) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-LAW-H9-P

Division of Law Enforcement - DPS
House Appropriations, Justice and Public Safety

Requested by

1 ***MODIFY PAYMENT SOURCE OF GOVERNOR'S SECURITY DETAIL***

2 **SECTION #.** G.S. 20-189 reads as rewritten:

3 **"§ 20-189. Patrolmen assigned to Governor's office.**

4 The Secretary of Public Safety, at the request of the Governor, shall assign and attach two
5 members of the State Highway Patrol to the office of the Governor, there to be assigned such
6 duties and perform such services as the Governor may direct. The ~~salary-cost~~ of the State
7 Highway Patrol members so assigned to the office of the Governor shall be paid from
8 appropriations made to the ~~office of the Governor and shall be fixed in an amount to be~~
9 ~~determined by the Governor.~~ Department of Public Safety."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-CORR-H1(S19C.1)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

CENTER FOR COMMUNITY TRANSITIONS/CONTRACT AND REPORT

SECTION 19C.1. The Department of Public Safety may continue to contract with The Center for Community Transitions, Inc., a nonprofit corporation, for the purchase of prison beds for minimum security female inmates during the 2021-2023 fiscal biennium. The Center for Community Transitions, Inc., shall report by February 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the annual cost per inmate and the average daily inmate population compared to bed capacity using the same methodology as that used by the Department of Public Safety.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-CORR-H2(S19C.2)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM REPORT

SECTION 19C.2. G.S. 148-32.1(b2) reads as rewritten:

"(b2) The Statewide Misdemeanant Confinement Program is established. The Program shall provide for the housing of misdemeanants from all counties serving sentences imposed for a period of more than 90 days and for all sentences imposed for impaired driving under G.S. 20-138.1, regardless of length. Those misdemeanants shall be confined in local confinement facilities except as provided in subsections (b3) and (b4) of this section. The Program shall address methods for the placement and transportation of inmates and reimbursement to counties for the housing of those inmates. Any county that voluntarily agrees to house misdemeanants from that county or from other counties pursuant to the Program may enter into a written agreement with the Division of Adult Correction and Juvenile Justice to do so.

The North Carolina Sheriffs' Association shall:

- (1) Report no later than the fifteenth day of each month to the Office of State Budget and Management and the Fiscal Research Division on the Statewide Misdemeanant Confinement Program. Each monthly report shall include all of the following:
 - a. The daily population delineated by misdemeanant or DWI monthly housing.
 - b. The cost of housing prisoners under the Program.
 - c. The cost of transporting prisoners under the Program.
 - d. Personnel costs.
 - e. Inmate medical care costs.
 - f. The number of counties that volunteer to house inmates under the Program.
 - g. The administrative costs paid to the Sheriffs' Association and to the Department of Public Safety.
- (2) Report no later than October 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Joint Legislative Oversight Committee on Justice and Public Safety on the Statewide Misdemeanant Confinement Program. The report shall include the following with respect to the prior fiscal year:
 - a. The cost of housing prisoners by county under the Program.
 - b. The cost of transporting prisoners by county under the Program.
 - c. Personnel costs by county.
 - d. Inmate medical care costs by county.
 - e. The number of counties that volunteer to house inmates under the Program.
 - f. The administrative costs paid to the Sheriffs' Association and to the Department of Public Safety."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-CORR-H10(S19C.3)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

1 ***STATEWIDE MISDEMEANANT CONFINEMENT PROGRAM FUNDING TRANSFER***

2 **SECTION 19C.3.** Of the funds appropriated in this act for the Statewide
3 Misdemeanant Confinement Program:

4 (1) The sum of one million dollars (\$1,000,000) shall be transferred each fiscal
5 year to the North Carolina Sheriffs' Association, Inc., a nonprofit corporation,
6 to support the Program and for administrative and operating expenses of the
7 Association and its staff.

8 (2) The sum of two hundred twenty-five thousand dollars (\$225,000) shall be
9 allocated each fiscal year to the Division of Adult Correction for its
10 administrative and operating expenses for the Program.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-CORR-H3(S19C.4)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

***INTERSTATE COMPACT FEES TO SUPPORT TRAINING PROGRAMS AND
EQUIPMENT PURCHASES SECTIONS***

SECTION 19C.4.(a) Notwithstanding the provisions of G.S. 148-65.7, fees collected for the Interstate Compact Fund during the 2021-2023 fiscal biennium may be used by the Division of Adult Correction and Juvenile Justice of the Department of Public Safety during the 2021-2023 fiscal biennium to provide training programs and equipment purchases for the Section of Community Corrections, but only to the extent sufficient funds remain available in the Fund to support the mission of the Interstate Compact Program.

SECTION 19C.4.(b) No later than October 1 of each fiscal year, the Department of Public Safety shall report to the Joint Legislative Oversight Committee on Justice and Public Safety on the amount of funds used pursuant to this section and for what purposes the funds were used.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Sending to BP
SPECIAL PROVISION



2021-CORR-H4(S19C.5)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

NURSE STAFFING AT STATE PRISONS REPORT

SECTION 19C.5.(a) The Department of Public Safety shall report the following information to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2022, and by February 1, 2023:

- (1) The total number of permanent nursing positions allocated to the Department, the number of filled positions, the number of positions that have been vacant for more than six months, and information regarding the location of both filled and vacant positions.
- (2) The extent to which temporary contract services are being used to staff vacant nursing positions, the method for funding the contract services, and any cost differences between the use of permanent employees versus contract employees.
- (3) A progress report on the implementation of its plan to (i) reduce the use of contract services to provide nursing in State prisons and (ii) attract and retain qualified nurses for employment in permanent positions in State prisons.

SECTION 19C.5.(b) Notwithstanding any other provision of law, the Department of Public Safety may, in its discretion and subject to the approval of the Office of State Budget and Management, convert funds appropriated for contractual nursing services to permanent nursing positions when it is determined to promote security, generate cost savings, and improve health care quality. The Department shall report on any such conversions to the Fiscal Research Division.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-CORR-H5(S19C.6)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

DEPARTMENT REPORT ON PRISON PERSONNEL MATTERS

SECTION 19C.6. The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall report the following information to the Joint Legislative Oversight Committee on Justice and Public Safety by February 1, 2022, and by February 1, 2023:

- (1) The number of Division employees charged with the commission of a criminal offense committed in a State prison and during the employee's work hours. The information shall be provided by State facility and shall specify the offense charged and the outcome of the charge.
- (2) The number of employees disciplined, demoted, or separated from service due to personal misconduct. To the extent it does not disclose confidential personnel records, the information shall be organized by type of misconduct, nature of corrective action taken, and outcome of the corrective action.
- (3) The hiring and screening process, including any required credentials or skills, criminal background checks, and personality assessments. The information shall also include the process the Division uses to verify the information provided by an applicant.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-CORR-H6(S19C.7)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

***REIMBURSE COUNTIES FOR HOUSING AND EXTRAORDINARY MEDICAL
EXPENSES***

SECTION 19C.7. Notwithstanding G.S. 143C-6-9, the Department of Public Safety may use funds available to the Department for the 2021-2023 fiscal biennium to reimburse counties for the cost of housing convicted inmates, parolees, and post-release supervisees awaiting transfer to the State prison system, as provided in G.S. 148-29. The reimbursement may not exceed forty dollars (\$40.00) per day per prisoner awaiting transfer. Beginning October 1, 2021, the Department shall report quarterly to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety and the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety on the expenditure of funds to reimburse counties for prisoners awaiting transfer.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-CORR-H7(S19C.8)i

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

DOT CONTRACT OF INMATE LITTER CREW

SECTION 19C.8.(a) After the issuance of a request for information (RFI) and receipt of bids by the Department of Transportation for litter pickup on State highways and roads, the Department of Transportation shall first offer the contract to the Division of Adult Correction and Juvenile Justice upon the same terms and conditions as the most favorable bid received by the Department of Transportation from a suitable contractor. The Division of Adult Correction and Juvenile Justice shall have 30 days to accept or decline the offered contract.

SECTION 19C.8.(b) It is the policy of the General Assembly that the Department of Transportation shall utilize inmate litter crews for litter pickup on State highways and roads as often as is necessary and practicable.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-CORR-H13(S19C.9)

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by

MAKE ADULT CORRECTION AND JUVENILE JUSTICE SEPARATE DIVISIONS

SECTION 19C.9.(a) Article 13 of Chapter 143B of the General Statutes reads as rewritten:

"Article 13.

"Department of Public Safety.

"Part 1. General Provisions.

...

"§ 143B-604. State Reentry Council Collaborative.

(a) The Secretary shall establish the State Reentry Council Collaborative (SRCC). The SRCC shall include up to two representatives from each of the following:

- (1) The Division of Motor Vehicles.
- (2) The Department of Health and Human Services.
- (3) The Administrative Office of the Courts.
- (4) The North Carolina Community College System.
- (5) The Division of Adult Correction and Juvenile Justice of the Department of Public Safety.
- (6) A nonprofit entity that provides reentry services or reentry programs.
- (7) Any other agency that the Secretary deems relevant.

...

~~"Part 1A. Division of Adult Correction and Juvenile Justice.~~

~~**"§ 143B-630. Creation of Division of Adult Correction and Juvenile Justice; powers.**~~

~~There is hereby created and established a division to be known as the Division of Adult Correction and Juvenile Justice of the Department of Public Safety. The Division shall have the power and duty to implement Parts 2 and 3 of this Article and shall have such other powers and duties as are set forth in this Chapter and are prescribed by the Secretary of the Department of Public Safety.~~

~~"Part 2. Adult Correction.~~

~~"Subpart A. General Provisions.~~

...

~~**"§ 143B-701. Division of Adult Correction and Juvenile Justice of the Department of Public Safety – powers, duties.**~~

~~(a) There is hereby established a division to be known as the Division of Adult Correction of the Department of Public Safety. The Division shall have the power and duty to implement Part 2 of this Article and shall have such other powers and duties as are set forth in this Article and prescribed by the Secretary of the Department of Public Safety.~~

~~(b) It shall be the duty of the Division to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and thereby to reduce the rate and cost of crime and delinquency.~~

~~**"§ 143B-702. Division of Adult Correction and Juvenile Justice of the Department of Public Safety – rules and regulations.**~~

1 The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
2 shall adopt rules and regulations related to the conduct, supervision, rights and privileges of
3 persons in its custody or under its supervision. Such rules and regulations shall be filed with and
4 published by the office of the Attorney General and shall be made available by the Division for
5 public inspection. The rules and regulations shall include a description of the organization of the
6 Division. A description or copy of all forms and instructions used by the Division, except those
7 relating solely to matters of internal management, shall also be filed with the office of the
8 Attorney General.

9 **"§ 143B-703. Repair or replacement of personal property.**

10 (a) The Secretary of Public Safety may adopt rules governing repair or replacement of
11 personal property items excluding private passenger vehicles that belong to employees of State
12 facilities within the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
13 Safety and that are damaged or stolen by inmates of the State facilities provided that the item is
14 determined by the Secretary to be damaged or stolen on or off facility grounds during the
15 performance of employment and necessary for the employee to have in his possession to perform
16 his assigned duty.

17 ...

18 **"§ 143B-704. Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
19 Safety – functions with respect to adults.**

20 (a) The functions of the Division of Adult Correction ~~and Juvenile Justice~~ of the
21 Department of Public Safety shall include all functions of the executive branch of the State in
22 relation to corrections and the rehabilitation of adult offenders, including detention, parole, and
23 aftercare supervision, and further including those prescribed powers, duties, and functions
24 enumerated in the laws of this State.

25 (b) All such functions, powers, duties, and obligations heretofore vested in the
26 Department of Social Rehabilitation and Control and any agency enumerated in Article 14 of
27 Chapter 143A of the General Statutes and laws of this State are hereby transferred to and vested
28 in the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
29 except as otherwise provided by the Executive Organization Act of 1973. They shall include, by
30 way of extension and not of limitation, the functions of:

31 ...

32 **"§ 143B-705. Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
33 Safety – Alcoholism and Chemical Dependency Treatment Program.**

34 ...

35 (b) A Section Chief for the Alcoholism and Chemical Dependency Treatment Program
36 shall be employed and shall report directly to a deputy director for the Division of Adult
37 Correction ~~and Juvenile Justice~~ as designated by the Deputy Commissioner for the Division of
38 Adult Correction ~~and Juvenile Justice~~. Correction. The duties of the Section Chief and staff shall
39 include the following:

40 (1) Administer and coordinate all substance abuse programs, grants, contracts,
41 and related functions in the Division of Adult Correction ~~and Juvenile Justice~~
42 of the Department of Public Safety.

43 (2) Develop and maintain working relationships and agreements with agencies
44 and organizations that will assist in developing and operating alcoholism and
45 chemical dependency treatment and recovery programs in the Division of
46 Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety.

47 ...

48 (7) Supervise directly the facility and district program managers, other
49 specialized personnel, and programs that exist or may be developed in the
50 Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
51 Safety.

1 ...
2 (c) In each prison that houses an alcoholism and chemical dependency program, there
3 shall be a unit superintendent under the Section of Prisons of the Division of Adult Correction
4 ~~and Juvenile Justice~~ and other custodial, administrative, and support staff as required to maintain
5 the proper custody level at the facility. The unit superintendent shall be responsible for all matters
6 pertaining to custody and administration of the unit. The Section Chief of the Alcoholism and
7 Chemical Dependency Treatment Program shall designate and direct employees to manage
8 treatment programs at each location. Duties of unit treatment program managers shall include
9 program development and implementation, supervision of personnel assigned to treatment
10 programs, adherence to all pertinent policy and procedural requirements of the Department, and
11 other duties as assigned.

12 ...
13 **"§ 143B-707. Reports to the General Assembly.**

14 The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
15 shall report by March 1 of each year to the Chairs of the Senate and House Appropriations
16 Committees and the Chairs of the Senate and House Appropriations Subcommittees in Justice
17 and Public Safety on their efforts to provide effective treatment to offenders with substance abuse
18 problems. The report shall include:

- 19 ...
20 (7) Evaluation of each substance abuse treatment program funded by the Division
21 of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety.
22 Evaluation measures shall include reduction in alcohol and drug dependency,
23 improvements in disciplinary and infraction rates, recidivism (defined as
24 return-to-prison rates), and other measures of the programs' success.

25 ...
26 **"§ 143B-708. Community service program.**

27 (a) The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
28 Safety may conduct a community service program. The program shall provide oversight of
29 offenders placed under the supervision of the Section of Community Corrections of the Division
30 of Adult Correction ~~and Juvenile Justice~~ and ordered to perform community service hours for
31 criminal violations, including driving while impaired violations under G.S. 20-138.1. This
32 program shall assign offenders, either on supervised or on unsupervised probation, to perform
33 service to the local community in an effort to promote the offender's rehabilitation and to provide
34 services that help restore or improve the community. The program shall provide appropriate work
35 site placement for offenders ordered to perform community service hours. The Division may
36 adopt rules to conduct the program. Each offender shall be required to comply with the rules
37 adopted for the program.

38 ...
39 (e) The community service staff shall report to the court in which the community service
40 was ordered, a significant violation of the terms of the probation, deferred prosecution, or
41 conditional discharge related to community service, including a willful failure to pay any moneys
42 due the State under any court order or payment schedule adopted by the Section of Community
43 Corrections of the Division of Adult ~~Correction and Juvenile Justice~~. Correction. The community
44 service staff shall give notice of the hearing to determine if there is a willful failure to comply to
45 the person who was ordered to perform the community service. This notice shall be given by
46 either personal delivery to the person to be notified or by depositing the notice in the United
47 States mail in an envelope with postage prepaid, addressed to the person at the last known address
48 available to the preparer of the notice and reasonably believed to provide actual notice to the
49 person. The notice shall be mailed at least 10 days prior to any hearing and shall state the basis
50 of the alleged willful failure to comply. The court shall then conduct a hearing, even if the person
51 ordered to perform the community service fails to appear, to determine if there is a willful failure

1 to complete the work as ordered by the community service staff within the applicable time limits.
2 The hearing may be held in the county in which the order requiring the performance of
3 community service was imposed, the county in which the violation occurred, or the county of
4 residence of the person. If the court determines there is a willful failure to comply, it shall revoke
5 any drivers license issued to the person and notify the Division of Motor Vehicles to revoke any
6 drivers license issued to the person until the community service requirement has been met. In
7 addition, if the person is present, the court may take any further action authorized by Article 82
8 of Chapter 15A of the General Statutes for violation of a condition of probation.

9 **"§ 143B-709. Security Staffing.**

10 (a) The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
11 Safety shall conduct:

12 ...

13 (b) The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
14 Safety shall update the security staffing relief formula at least every three years. Each update
15 shall include a review of all annual training requirements for security staff to determine which of
16 these requirements should be mandatory and the appropriate frequency of the training. The
17 Division shall survey other states to determine which states use a vacancy factor in their staffing
18 relief formulas.

19 ...

20 **"§ 143B-711. Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public**
21 **Safety – organization.**

22 The Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
23 shall be organized initially to include the Post-Release Supervision and Parole Commission, the
24 Section of Prisons of the Division of Adult Correction, the Section of Community Corrections,
25 the Section of Alcoholism and Chemical Dependency Treatment Programs, and such other
26 divisions as may be established under Part 3 of this Article and under the other provisions of the
27 Executive Organization Act of 1973.

28 ...

29 "Subpart C. Parole Commission.

30 **"§ 143B-720. Post-Release Supervision and Parole Commission – creation, powers and**
31 **duties.**

32 (a) There is hereby created a Post-Release Supervision and Parole Commission of the
33 Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety with the
34 authority to grant paroles, including both regular and temporary paroles, to persons held by virtue
35 of any final order or judgment of any court of this State as provided in Chapter 148 of the General
36 Statutes and laws of the State of North Carolina, except that persons sentenced under Article 81B
37 of Chapter 15A of the General Statutes are not eligible for parole but may be conditionally
38 released into the custody and control of United States Immigration and Customs Enforcement
39 pursuant to G.S. 148-64.1. The Commission shall also have authority to revoke, terminate, and
40 suspend paroles of such persons (including persons placed on parole on or before the effective
41 date of the Executive Organization Act of 1973) and to assist the Governor in exercising his
42 authority in granting reprieves, commutations, and pardons, and shall perform such other services
43 as may be required by the Governor in exercising his powers of executive clemency. The
44 Commission shall also have authority to revoke and terminate persons on post-release
45 supervision, as provided in Article 84A of Chapter 15A of the General Statutes. The Commission
46 shall also have the authority to punish for criminal contempt for willful refusal to accept
47 post-release supervision or to comply with the terms of post-release supervision by a prisoner
48 whose offense requiring post-release supervision is a reportable conviction subject to the
49 registration requirement of Article 27A of Chapter 14 of the General Statutes. Any contempt
50 proceeding conducted by the Commission shall be in accordance with G.S. 5A-15 as if the
51 Commission were a judicial official.

1 ...
2 (c) The Commission is authorized and empowered to adopt such rules and regulations,
3 not inconsistent with the laws of this State, in accordance with which prisoners eligible for parole
4 consideration may have their cases reviewed and investigated and by which such proceedings
5 may be initiated and considered. All rules and regulations heretofore adopted by the Board of
6 Paroles shall remain in full force and effect unless and until repealed or superseded by action of
7 the Post-Release Supervision and Parole Commission. All rules and regulations adopted by the
8 Commission shall be enforced by the Division of Adult Correction ~~and Juvenile Justice~~ of the
9 Department of Public Safety.

10 ...
11 "Part 3. Juvenile ~~Justice Section~~.
12 "Subpart A. Creation of Division.

13 **"§ 143B-800. Creation of Division of Juvenile Justice ~~Section of the Division of Adult~~**
14 **~~Correction and Juvenile Justice~~ of the Department of Public Safety.**

15 There is hereby created and constituted a ~~section~~ division to be known as the "Juvenile
16 "Division of Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the
17 Department of Public Safety", with the organization, powers, and duties as set forth in this Article
18 or as prescribed by the ~~Director of the Division of Adult Correction and Juvenile~~
19 ~~Justice~~ Secretary of the Department of Public Safety.

20 **"§ 143B-801. Transfer of Office of Juvenile Justice authority to the Division of Juvenile**
21 **~~Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the**
22 **Department of Public Safety.**

23 (a) All (i) statutory authority, powers, duties, and functions, including directives of S.L.
24 1998-202, rule making, budgeting, and purchasing, (ii) records, (iii) personnel, personnel
25 positions, and salaries, (iv) property, and (v) unexpended balances of appropriations, allocations,
26 reserves, support costs, and other funds of the Office of Juvenile Justice under the Office of the
27 Governor are transferred to and vested in ~~the Juvenile Justice Section of the Division of Adult~~
28 ~~Correction and Juvenile Justice~~ of the Department of Public Safety. This transfer has all of the
29 elements of a Type I transfer as defined in G.S. 143A-6.

30 (b) The ~~Section~~ Division shall be considered a continuation of the Office of Juvenile
31 Justice for the purpose of succession to all rights, powers, duties, and obligations of the Office
32 and of those rights, powers, duties, and obligations exercised by the Office of the Governor on
33 behalf of the Office of Juvenile Justice. Where the Office of Juvenile Justice or the Division of
34 Adult Correction and Juvenile Justice of the Department of Public Safety is referred to by law,
35 contract, or other document, that reference shall apply to ~~the Juvenile Justice Section of the~~
36 ~~Division of Adult Correction and Juvenile Justice~~. Where the Office of the Governor is referred
37 to by contract or other document, where the Office of the Governor is acting on behalf of the
38 Office of Juvenile Justice, that reference shall apply to the ~~Section~~ Division.

39 (c) All institutions previously operated by the Office of Juvenile Justice and the present
40 central office of the Office of Juvenile Justice, including land, buildings, equipment, supplies,
41 personnel, or other properties rented or controlled by the Office or by the Office of the Governor
42 for the Office of Juvenile Justice, shall be administered by the Division of Juvenile Justice
43 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public
44 Safety.

45 ...

46 "Subpart B. General Provisions.

47 **"§ 143B-805. Definitions.**

48 In this Part, unless the context clearly requires otherwise, the following words have the listed
49 meanings:

- 50 (1) Chief court counselor. – The person responsible for administration and
51 supervision of juvenile intake, probation, and post-release supervision in each

judicial district, operating under the supervision of the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety.

...

(10a) Division. – The Division of Juvenile Justice of the Department of Public Safety.

...

(19a) ~~Section. – The Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.~~

...

"§ 143B-806. Duties and powers of the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety.

...

(b) In addition to its other duties, the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ shall have the following powers and duties:

...

"§ 143B-807. Authority to contract with other entities.

(a) The ~~Section~~-Division may contract with any governmental agency, person, or association for the accomplishment of its duties and responsibilities. The expenditure of funds under these contracts shall be for the purposes for which the funds were appropriated and not otherwise prohibited by law.

(b) The ~~Section~~-Division may enter into contracts with, and act as intermediary between, any federal government agency and any county of this State for the purpose of assisting the county to recover monies expended by a county-funded financial assistance program. As a condition of assistance, the county shall agree to hold and save harmless the ~~Section~~-Division against any claims, loss, or expense which the ~~Section~~-Division might incur under the contracts by reason of any erroneous, unlawful, or tortious act or omission of the county or its officials, agents, or employees.

(c) The ~~Section~~-Division and any other appropriate State or local agency may purchase services from public or private agencies providing delinquency prevention programs or juvenile court services, including parenting responsibility classes. The programs shall meet State standards. As institutional populations are reduced, the ~~Section~~-Division may divert State funds appropriated for institutional programs to purchase the services under the State Budget Act.

(d) Each programmatic, residential, and service contract or agreement entered into by the ~~Section~~-Division shall include a cooperation clause to ensure compliance with the ~~Section's~~ Division's quality assurance requirements and cost-accounting requirements.

"§ 143B-808. Authority to assist private nonprofit foundations.

The ~~Section~~-Division may provide appropriate services or allow employees of the ~~Section~~ Division to assist any private nonprofit foundation that works directly with the ~~Section's~~ Division's services or programs and whose sole purpose is to support these services and programs. A ~~Section~~-Division employee shall be allowed to work with a foundation no more than 20 hours in any one month. These services are not subject to Chapter 150B of the General Statutes.

The board of directors of each private, nonprofit foundation shall secure and pay for the services of the Department of State Auditor or employ a certified public accountant to conduct an annual audit of the financial accounts of the foundation. The board of directors shall transmit to the ~~Section~~-Division a copy of the annual financial audit report of the private nonprofit foundation.

"§ 143B-809. Teen court programs.

(a) All teen court programs administered by the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety shall operate as

community resources for the diversion of juveniles pursuant to G.S. 7B-1706(c). A juvenile diverted to a teen court program shall be tried by a jury of other juveniles, and, if the jury finds the juvenile has committed the delinquent act, the jury may assign the juvenile to a rehabilitative measure or sanction, including counseling, restitution, curfews, and community service.

Teen court programs may also operate as resources to the local school administrative units to handle problems that develop at school but that have not been turned over to the juvenile authorities.

(b) Every teen court program that receives funds from Juvenile Crime Prevention Councils shall comply with rules and reporting requirements of the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety~~. Division.

...

"Subpart C. Juvenile Facilities.

"§ 143B-815. Juvenile facilities.

In order to provide any juvenile in a juvenile facility with appropriate treatment according to that juvenile's need, the ~~Section~~ Division shall be responsible for the administration of statewide educational, clinical, psychological, psychiatric, social, medical, vocational, and recreational services or programs.

"§ 143B-816. Authority to provide necessary medical or surgical care.

The ~~Section~~ Division may provide any medical and surgical treatment necessary to preserve the life and health of juveniles committed to the custody of the ~~Section~~ Division; however, no surgical operation may be performed except as authorized in G.S. 148-22.2.

"§ 143B-817. Compensation to juveniles in care.

A juvenile who has been committed to the ~~Section~~ Division may be compensated for work or participation in training programs at rates approved by the Secretary within available funds. The Secretary may provide for a reasonable allowance to the juvenile for incidental personal expenses, and any balance of the juvenile's earnings remaining at the time the juvenile is released shall be paid to the juvenile or the juvenile's parent or guardian. The ~~Section~~ Division may accept grants or funds from any source to compensate juveniles under this section.

"§ 143B-818. Visits and community activities.

(a) The ~~Section~~ Division shall encourage visits by parents or guardians and responsible relatives of juveniles committed to the custody of the ~~Section~~ Division.

(b) The ~~Section~~ Division shall develop a program of home visits for juveniles in the custody of the ~~Section~~ Division. The visits shall begin after the juvenile has been in the custody of the for a period of at least six months. In developing the program, the ~~Section~~ Division shall adopt criteria that promote the protection of the public and the best interests of the juvenile.

"§ 143B-819. Regional detention services.

The ~~Section~~ Division is responsible for juvenile detention services, including the development of a statewide plan for regional juvenile detention services that offer juvenile detention care of sufficient quality to meet State standards to any juvenile requiring juvenile detention care within the State in a detention facility as follows:

- (1) The ~~Section~~ Division shall plan with the counties operating a county detention facility to provide regional juvenile detention services to surrounding counties. The ~~Section~~ Division has discretion in defining the geographical boundaries of the regions based on negotiations with affected counties, distances, availability of juvenile detention care that meets State standards, and other appropriate factors.
- (2) The ~~Section~~ Division may plan with any county that has space within its county jail system to use the existing space for a county detention facility when needed, if the space meets the State standards for a detention facility and meets all of the requirements of G.S. 153A-221. The use of space within the

1 county jail system shall be constructed to ensure that juveniles are not able to
2 converse with, see, or be seen by the adult population, and juveniles housed
3 in a space within a county jail shall be supervised closely.

- 4 (3) The ~~Section~~Division shall plan for and administer regional detention
5 facilities. The ~~Section~~Division shall carefully plan the location, architectural
6 design, construction, and administration of a program to meet the needs of
7 juveniles in juvenile detention care. The physical facility of a regional
8 detention facility shall comply with all applicable State and federal standards.
9 The programs of a regional detention facility shall comply with the standards
10 established by the ~~Section~~Division.

11 **"§ 143B-820. State subsidy to county detention facilities.**

12 The ~~Section~~Division shall administer a State subsidy program to pay a county that provides
13 juvenile detention services and meets State standards a certain per diem per juvenile. In general,
14 this per diem should be fifty percent (50%) of the total cost of caring for a juvenile from within
15 the county and one hundred percent (100%) of the total cost of caring for a juvenile from another
16 county. Any county placing a juvenile in a detention facility in another county shall pay fifty
17 percent (50%) of the total cost of caring for the juvenile to the ~~Section~~Division. The ~~Section~~
18 Division may vary the exact funding formulas to operate within existing State appropriations or
19 other funds that may be available to pay for juvenile detention care.

20 **"§ 143B-821. Authority for implementation.**

21 In order to allow for effective implementation of a statewide regional approach to juvenile
22 detention, the ~~Section~~Division may:

23 ...

24 "Subpart D. Juvenile Court Services.

25 **"§ 143B-830. Duties and powers of chief court counselors.**

26 The chief court counselor in each district appointed under G.S. 143B-806(b)(15) may:

- 27 (1) Appoint juvenile court counselors, secretaries, and other personnel authorized
28 by the ~~Section~~Division in accordance with the personnel policies adopted by
29 the ~~Section~~Division.

30 ...

- 31 (3) Provide in-service training for staff as required by the ~~Section~~Division.

32 ...

33 **"§ 143B-831. Duties and powers of juvenile court counselors.**

34 As the court or the chief court counselor may direct or require, all juvenile court counselors
35 shall have the following powers and duties:

36 ...

- 37 (14) Provide supervision for a juvenile transferred to the counselor's supervision
38 from another court or another state, and provide supervision for any juvenile
39 released from an institution operated by the ~~Section~~Division when requested
40 by the ~~Section~~Division to do so.

41 ...

- 42 (19) Have any other duties as the ~~Section~~Division may direct.

43 ...

44 "Subpart E. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

45 **"§ 143B-840. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.**

46 (a) The ~~Section~~Division shall develop and implement a comprehensive juvenile
47 delinquency and substance abuse prevention plan and shall coordinate with County Councils for
48 implementation of a continuum of services and programs at the community level.

49 The ~~Section~~Division shall ensure that localities are informed about best practices in juvenile
50 delinquency and substance abuse prevention.

51 ...

1 (c) The ~~Section-Division~~ shall cooperate with all other affected State agencies and
2 entities in implementing this section.

3 ...

4 "Subpart F. Juvenile Crime Prevention Councils.

5 ...

6 **"§ 143B-851. Powers and duties.**

7 (a) Each County Council shall review annually the needs of juveniles in the county who
8 are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the
9 resources available to address those needs. In particular, each County Council shall assess the
10 needs of juveniles in the county who are at risk or who have been associated with gangs or gang
11 activity, and the local resources that are established to address those needs. The Council shall
12 develop and advertise a request for proposal process and submit a written plan of action for the
13 expenditure of juvenile sanction and prevention funds to the board of county commissioners for
14 its approval. Upon the county's authorization, the plan shall be submitted to the ~~Section-Division~~
15 for final approval and subsequent implementation.

16 (b) Each County Council shall ensure that appropriate intermediate dispositional options
17 are available and shall prioritize funding for dispositions of intermediate and community-level
18 sanctions for court-adjudicated juveniles under minimum standards adopted by the
19 ~~Section-Division~~.

20 ...

21 **"§ 143B-853. Funding for programs.**

22 (a) Annually, the Division of ~~Adult Correction and~~ Juvenile Justice shall develop and
23 implement a funding mechanism for programs that meet the standards developed under this
24 Subpart. The Division shall ensure that the guidelines for the State and local partnership's funding
25 process include the following requirements:

26 ...

27 (c) The ~~Juvenile Justice Section of the~~ Division of ~~Adult Correction and~~ Juvenile Justice
28 of the Department of Public Safety shall report to the Senate and House of Representatives
29 Appropriations Subcommittees on Justice and Public Safety no later than March 1, 2006, and
30 annually thereafter, on the results of intensive intervention services. Intensive intervention
31 services are evidence-based or research-supported community-based or residential services that
32 are necessary for a juvenile in order to (i) prevent the juvenile's commitment to a youth
33 development center or detention facility or (ii) facilitate the juvenile's successful return to the
34 community following commitment. Specifically, the report shall provide a detailed description
35 of each intensive intervention service, including the numbers of juveniles served, their
36 adjudication status at the time of service, the services and treatments provided, the length of
37 service, the total cost per juvenile, and the six- and 12-month recidivism rates for the juveniles
38 after the termination of program services.

39 ...

40 **"§ 143B-935. Criminal history record checks of employees of and applicants for**
41 **employment with the Department of Health and Human Services, and the**
42 **~~Juvenile Justice Section of the Division of Adult Correction and~~ Juvenile Justice**
43 **of the Department of Public Safety.**

44 (a) Definitions. – As used in this section, the term:

45 (1) "Covered person" means any of the following:

- 46 a. An applicant for employment or a current employee in a position in
47 the ~~Juvenile Justice Section of the~~ Division of ~~Adult Correction and~~
48 Juvenile Justice of the Department of Public Safety who provides
49 direct care for a client, patient, student, resident or ward of the
50 Division.

1 b. A person who supervises positions in the ~~Juvenile Justice Section of~~
2 ~~the Division of Adult Correction and~~ Juvenile Justice of the
3 Department of Public Safety providing direct care for a client, patient,
4 student, resident or ward of the Division.

5 ...

6 f. An independent contractor or an employee of an independent
7 contractor who has contracted with the ~~Juvenile Justice Section of the~~
8 Division of ~~Adult Correction and~~ Juvenile Justice of the Department
9 of Public Safety to provide direct care for a client, patient, student,
10 resident, or ward of the Division.

11 g. A person who has been approved to perform volunteer services in or
12 for the ~~Juvenile Justice Section of the Division of Adult Correction~~
13 ~~and~~ Juvenile Justice of the Department of Public Safety to provide
14 direct care for a client, patient, student, resident, or ward of the
15 Division.

16 (2) "Criminal history" means a State or federal history of conviction of a crime,
17 whether a misdemeanor or felony, that bears upon a covered person's fitness
18 for employment in the Department of Health and Human Services or the
19 ~~Juvenile Justice Section of the Division of Adult Correction and~~ Juvenile
20 Justice of the Department of Public Safety. The crimes include, but are not
21 limited to, criminal offenses as set forth in any of the following Articles of
22 Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing
23 Monetary Substitutes; Article 5A, Endangering Executive and Legislative
24 Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses;
25 Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
26 Malicious Injury or Damage by Use of Explosive or Incendiary Device or
27 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson
28 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,
29 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
30 Obtaining Property or Services by False or Fraudulent Use of Credit Device
31 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article
32 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality
33 and Decency; Article 26A, Adult Establishments; Article 27, Prostitution;
34 Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public
35 Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots,
36 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
37 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
38 Computer-Related Crime. The crimes also include possession or sale of drugs
39 in violation of the North Carolina Controlled Substances Act, Article 5 of
40 Chapter 90 of the General Statutes, and alcohol-related offenses such as sale
41 to underage persons in violation of G.S. 18B-302, or driving while impaired
42 in violation of G.S. 20-138.1 through G.S. 20-138.5.

43 (b) When requested by the Department of Health and Human Services or the ~~Juvenile~~
44 ~~Justice Section of the Division of Adult Correction and~~ Juvenile Justice of the Department of
45 Public Safety, the North Carolina Department of Public Safety may provide to the requesting
46 department or division a covered person's criminal history from the State Repository of Criminal
47 Histories. Such requests shall not be due to a person's age, sex, race, color, national origin,
48 religion, creed, political affiliation, or handicapping condition as defined by G.S. 168A-3. For
49 requests for a State criminal history record check only, the requesting department or division
50 shall provide to the Department of Public Safety a form consenting to the check signed by the
51 covered person to be checked and any additional information required by the Department of

1 Public Safety. National criminal record checks are authorized for covered applicants who have
2 not resided in the State of North Carolina during the past five years. For national checks the
3 Department of Health and Human Services or the ~~Juvenile Justice Section of the Division of~~
4 ~~Adult Correction and Juvenile Justice~~ of the Department of Public Safety shall provide to the
5 North Carolina Department of Public Safety the fingerprints of the covered person to be checked,
6 any additional information required by the Department of Public Safety, and a form signed by
7 the covered person to be checked consenting to the check of the criminal record and to the use of
8 fingerprints and other identifying information required by the State or National Repositories. The
9 fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search
10 of the State criminal history record file and the State Bureau of Investigation shall forward a set
11 of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
12 The Department of Health and Human Services and the ~~Juvenile Justice Section of the Division~~
13 ~~of Adult Correction and Juvenile Justice~~ of the Department of Public Safety shall keep all
14 information pursuant to this section confidential. The Department of Public Safety shall charge
15 a reasonable fee for conducting the checks of the criminal history records authorized by this
16 section.

17 (c) All releases of criminal history information to the Department of Health and Human
18 Services or the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice~~
19 of the Department of Public Safety shall be subject to, and in compliance with, rules governing
20 the dissemination of criminal history record checks as adopted by the North Carolina Department
21 of Public Safety. All of the information either department receives through the checking of the
22 criminal history is privileged information and for the exclusive use of that department.

23 (d) If the covered person's verified criminal history record check reveals one or more
24 convictions covered under subsection (a) of this section, then the conviction shall constitute just
25 cause for not selecting the person for employment, or for dismissing the person from current
26 employment with the Department of Health and Human Services or the ~~Juvenile Justice Section~~
27 ~~of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety. The
28 conviction shall not automatically prohibit employment; however, the following factors shall be
29 considered by the Department of Health and Human Services or the ~~Juvenile Justice Section of~~
30 ~~the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety in
31 determining whether employment shall be denied:

32 ...

33 (e) The Department of Health and Human Services and the ~~Juvenile Justice Section of~~
34 ~~the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety may
35 deny employment to or dismiss a covered person who refuses to consent to a criminal history
36 record check or use of fingerprints or other identifying information required by the State or
37 National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the
38 employment denial or the dismissal from employment.

39 (f) The Department of Health and Human Services and the ~~Juvenile Justice Section of~~
40 ~~the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety may
41 extend a conditional offer of employment pending the results of a criminal history record check
42 authorized by this section.

43 ...

44 "Part 6. Division of Administration.

45 "Subpart A. Governor's Crime Commission.

46 "**§ 143B-1100. Governor's Crime Commission – creation; composition; terms; meetings,**
47 **etc.**

48 (a) There is hereby created the Governor's Crime Commission of the Department of
49 Public Safety. The Commission shall consist of 37 voting members and five nonvoting members.
50 The composition of the Commission shall be as follows:

51 ...

(2) The nonvoting members shall be the Director of the State Bureau of Investigation, the Deputy Chief of the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety who is responsible for Intervention/Prevention programs, the Deputy Chief of the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety who is responsible for Youth Development programs, the Section Chief of the Section of Prisons of the Division of Adult Correction and ~~Juvenile Justice~~ and the Section Chief of the Section of Community Corrections of the Division of Adult ~~Correction and Juvenile Justice~~.Correction.

(b) The membership of the Commission shall be selected as follows:

(1) The following members shall serve by virtue of their office: the Governor, the Chief Justice of the Supreme Court, the Attorney General, the Director of the Administrative Office of the Courts, the Secretary of the Department of Health and Human Services, the Secretary of Public Safety, the Director of the State Bureau of Investigation, the Section Chief of the Section of Prisons of the Division of Adult ~~Correction and Juvenile Justice~~,Correction. the Section Chief of the Section of Community Corrections of the Division of Adult ~~Correction and Juvenile Justice~~,Correction. the Deputy Chief who is responsible for Intervention/Prevention of the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety, the Deputy Chief who is responsible for Youth Development of the ~~Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice~~ of the Department of Public Safety, and the Superintendent of Public Instruction. Should the Chief Justice of the Supreme Court choose not to serve, his alternate shall be selected by the Governor from a list submitted by the Chief Justice which list must contain no less than three nominees from the membership of the Supreme Court.

...

"Subpart B. Treatment for Effective Community Supervision Program.

...

"§ 143B-1152. Definitions.

The following definitions apply in this Subpart:

...

(2) Division. – The Division of Adult ~~Correction and Juvenile Justice~~.Correction.

...

(6a) Section. – The Section of Community Corrections of the Division of Adult ~~Correction and Juvenile Justice~~.Correction.

...

"§ 143B-1154. Eligible population.

...

(b) The priority populations for programs funded under this Subpart shall be as follows:

...

(2) Offenders identified by the Division of Adult Correction and ~~Juvenile Justice~~ using a validated risk assessment instrument to have a high likelihood of reoffending and a moderate to high need for substance abuse treatment.

"§ 143B-1155. Duties of Division of Adult ~~Correction and Juvenile Justice~~.Correction.

(a) In addition to those otherwise provided by law, the Division of Adult Correction and ~~Juvenile Justice~~ shall have the following duties:

...

(b) The Section of Community Corrections of the Division of Adult Correction ~~and Juvenile Justice~~ shall develop and publish a recidivism reduction plan for the State that accomplishes the following:

...
"§ 143B-1156. Contract for services.

(a) The Division of Adult Correction ~~and Juvenile Justice~~ shall contract with service providers through a competitive procurement process to provide community-based services to offenders on probation, parole, or post-release supervision.

...
(c) The Division of Adult ~~Correction and Juvenile Justice~~, Correction, in partnership with the Department of Health and Human Services, shall develop standard service definitions and performance measures for substance abuse and aftercare support services for inclusion in the contracts.

...
(e) The Division of Adult Correction ~~and Juvenile Justice~~ shall pay service providers the contract base award upon the initiation of services with the remaining payments made as milestones are reached as stated in the contract for services. If the service provider cancels or terminates the contract prior to its conclusion, the service provider shall reimburse the Division for the unearned pro rata portion of the base award.

...
"§ 143B-1161. Justice Reinvestment Council.

(a) The Justice Reinvestment Council is established to act as an advisory body to the ~~Commissioner of Adult Correction~~ Secretary of the Department of Public Safety with regard to this Subpart. The Council shall consist of 13 members as follows, to be appointed as provided in subsection (b) of this section:

...
(d) The purpose of the Justice Reinvestment Council in conjunction with the Department of Public Safety, Division of Adult ~~Correction and Juvenile Justice~~, Correction, is to:

...."
SECTION 19C.9.(b) The following statutes are amended by deleting the language "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting "Division of Adult Correction": G.S. 1-110, 7A-109.3, 7A-313, 7A-451, 7A-474.18, 7A-498.3, 7B-2517, 14-202, 14-208.6, 14-208.20, 14-208.22, 14-208.40, 14-208.40A, 14-208.40B, 14-208.40C, 14-208.41, 14-208.42, 14-208.43, 14-208.44, 14-208.45, 14-254.5, 14-258.1, 14-258.2, 14-258.3, 14-269, 14-415.10, 15-6.1, 15-10.1, 15-194, 15-196.3, 15-206, 15-209, 15A-145, 15A-145.1, 15A-145.2, 15A-145.7, 15A-145.8A, 15A-146, 15A-147, 15A-149, 15A-534, 15A-534.1, 15A-544.3, 15A-544.5, 15A-615, 15A-821, 15A-830, 15A-832, 15A-837, 15A-1332, 15A-1340.13, 15A-1340.16, 15A-1340.18, 15A-1340.20, 15A-1342, 15A-1343.3, 15A-1351, 15A-1352, 15A-1353, 15A-1354, 15A-1355, 15A-1368, 15A-1368.2, 15A-1368.3, 15A-1368.4, 15A-1368.6, 15A-1369, 15A-1369.4, 15A-1371, 15A-1374, 15A-1376, 15B-21, 15B-31, 15B-32, 20-19, 20-28, 20-79.4, 20-81.12, 20-179, 20-179.3, 50-13.2, 65-4, 66-25, 66-58, 97-13, 105-259, 106-915, 115C-46.2, 122C-22, 122C-55, 122C-62, 122C-312, 122C-313, 122C-402, 126-23, 127A-54, 130A-25, 131E-98, 131E-184, 131E-214.1, 135-1, 143-63.1, 143-300.7, 143-599, 143B-179, 143B-1154, 146-33, 147-12, 148-2, 148-3, 148-4, 148-4.1, 148-6, 148-10, 148-10.1, 148-10.2, 148-10.3, 148-10.4, 148-10.5, 148-11, 148-12, 148-18, 148-18.1, 148-19, 148-19.1, 148-19.2, 148-22, 148-22.1, 148-23, 148-23.1, 148-23.2, 148-24, 148-26, 148-26.5, 148-28, 148-29, 148-32.1, 148-32.2, 148-33, 148-33.1, 148-36, 148-37, 148-37.3, 148-40, 148-41, 148-45, 148-46.1, 148-53, 148-54, 148-59, 148-64, 148-64.1, 148-65.6, 148-65.7, 148-66, 148-67, 148-70, 148-74, 148-78, 148-118.1, 148-118.2, 148-118.4, 148-118.5, 148-118.6, 148-130, 148-131, 148-132, 148-134, 150B-1, 153A-221, 153A-230.1,

1 153A-230.2, 153A-230.3, 153A-230.5, 160A-287, 162-39, 163-82.20A, 164-42, 164-47, and
2 164-50.

3 **SECTION 19C.9.(c)** The following statutes are amended by deleting the language
4 "Division of Adult Correction and Juvenile Justice" wherever it appears and substituting
5 "Division of Juvenile Justice": G.S. 7B-1501, 7B-2055, 106-915, 115C-106.3, 115C-107.6,
6 115C-108.1, 115C-296.2, 115C-325.10, 143B-853, and 153A-218.

7 **SECTION 19C.9.(d)** The following statutes are amended by deleting the language
8 "Section of Community Corrections of the Division of Adult Correction and Juvenile Justice"
9 wherever it appears and substituting "Section of Community Corrections of the Division of Adult
10 Correction": G.S. 7B-3000, 7B-3001, 7B-3100, 14-208.40C, 14-208.41, 15A-837, 15A-1342,
11 15A-1368.4, 15A-1369.4, 15A-1371, 20-179.3, 105-259, 115C-46.2, 143B-708, and 148-65.6.

12 **SECTION 19C.9.(e)** The following statutes are amended by deleting the language
13 "Section of Prisons of the Division of Adult Correction and Juvenile Justice" wherever it appears
14 and substituting "Section of Prisons of the Division of Adult Correction": G.S. 14-208.6,
15 14-208.40C, 14-258.2, 130A-25, 148-11, 148-18, 148-29, and 148-130.

16 **SECTION 19C.9.(f)** The following statutes are amended by deleting the language
17 "Juvenile Justice Section of the Division of Adult Correction and Juvenile Justice" wherever it
18 appears and substituting "Division of Juvenile Justice": G.S. 7A-109.3, 7A-302, 7B-3100,
19 14-239, 14-258.1, 14-316.1, 15-6, 66-58, 114-12.1, 115D-1, 122C-113, 122C-115.4, 122C-117,
20 143B-152.14, 143B-153, 143B-806, 143B-809, 143B-853, 143B-935, 143B-1391, 148-32.1,
21 153A-221.1, 162-60, and 164-43.

22 **SECTION 19C.9.(g)** G.S. 7B-1402(b) reads as rewritten:

23 "(b) The Task Force shall be composed of 36 members, 12 of whom shall be ex officio
24 members, four of whom shall be appointed by the Governor, 10 of whom shall be appointed by
25 the Speaker of the House of Representatives, and 10 of whom shall be appointed by the President
26 Pro Tempore of the Senate. The ex officio members other than the Chief Medical Examiner may
27 designate representatives from their particular departments, divisions, or offices to represent
28 them on the Task Force. In making appointments or designating representatives, appointing
29 authorities and ex officio members shall use best efforts to select members or representatives
30 with sufficient knowledge and experience to effectively contribute to the issues examined by the
31 Task Force and, to the extent possible, to reflect the geographical, political, gender, and racial
32 diversity of this State. The members shall be as follows:

33 ...
34 (11a) The Director of the ~~Juvenile Justice Section~~, Division of ~~Adult Correction and~~
35 Juvenile Justice, Department of Public Safety.
36"

37 **SECTION 19C.9.(g1)** G.S. 7B-2204 reads as rewritten:

38 **"§ 7B-2204. Right to pretrial release; detention.**

39 (a) Once the order of transfer has been entered, the juvenile has the right to pretrial release
40 as provided in G.S. 15A-533 and G.S. 15A-534. The release order shall specify the person or
41 persons to whom the juvenile may be released. Pending release, the court shall order that the
42 juvenile be detained in a detention facility while awaiting trial. Personnel of the ~~Juvenile Justice~~
43 ~~Section of the Division~~, Division of Juvenile Justice, or personnel approved by the ~~Juvenile~~
44 ~~Justice Section~~, Division of Juvenile Justice, shall transport the juvenile from the detention
45 facility to court.

46 (b) The court may order the juvenile to be held in a holdover facility at any time the
47 presence of the juvenile is required in court for pretrial hearings or trial, if the court finds that it
48 would be inconvenient to return the juvenile to the detention facility. Personnel of the ~~Justice~~
49 ~~Section of the Division~~, Division of Juvenile Justice, or personnel approved by the ~~Juvenile~~
50 ~~Justice Section~~, Division of Juvenile Justice, shall transport the juvenile from the holdover facility
51 to court and shall transport the juvenile back to the detention center.

1 (c) If the juvenile reaches the age of 18 years while awaiting the completion of
2 proceedings in superior court, the juvenile shall be transported by personnel of the ~~Juvenile~~
3 ~~Justice Section of the Division~~, Division of Juvenile Justice, or personnel approved by the
4 ~~Juvenile Justice Section~~, Division of Juvenile Justice, to the custody of the sheriff of the county
5 where the charges arose.

6 (d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal
7 offense in superior court and receive an active sentence, then immediate transfer to the Division
8 of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety shall be ordered.
9 Until such time as the juvenile is transferred to the Division of Adult Correction ~~and Juvenile~~
10 ~~Justice~~ of the Department of Public Safety, the juvenile may be detained in a holdover
11 ~~facility~~ facility authorized by the Division of Juvenile Justice of the Department of Public Safety.
12 The juvenile may not be detained in a detention facility pending transfer to the Division of Adult
13 Correction ~~and Juvenile Justice~~ of the Department of Public Safety, unless the detention facility
14 is operated by the sheriff pursuant to G.S. 7B-1905(b).

15 (e) The juvenile may be kept by the Division of Adult Correction ~~and Juvenile Justice~~ of
16 the Department of Public Safety as a safekeeper until the juvenile is placed in an appropriate
17 correctional program."

18 **SECTION 19C.9.(h)** G.S. 15A-521 reads as rewritten:

19 **"§ 15A-521. Commitment to detention facility pending trial.**

20 (a) Commitment. – Every person charged with a crime and held in custody who has not
21 been released pursuant to Article 26 of this Chapter, Bail, must be committed by a written order
22 of the judicial official who conducted the initial appearance as provided in Article 24 to an
23 appropriate detention facility as provided in this section. If the person being committed by written
24 order is under the age of 18, that person must be committed to a detention facility approved by
25 the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~
26 to provide secure confinement and care for juveniles, or to a holdover facility as defined in
27 G.S. 7B-1501(11). If the person being committed reaches the age of 18 years while held in
28 custody, the person shall be transported by personnel of the Division of Juvenile Justice ~~Section~~
29 ~~of the Division, Justice~~ or personnel approved by the ~~Juvenile Justice Section~~, Division of
30 Juvenile Justice to the custody of the sheriff of the county where the charges arose.

31 ...

32 (c) Copies and Use of Order, Receipt of Prisoner. –

33 ...

34 (2) The jailer or personnel of the Division of Juvenile Justice ~~Section~~ must receive
35 the prisoner and the order of commitment, and note on the order of
36 commitment the time and date of receipt. As used in this subdivision, "jailer"
37 includes any person having control of a detention facility and "personnel of
38 the ~~Juvenile Justice Section~~ Division of Juvenile Justice" includes personnel
39 approved by the ~~Juvenile Justice Section~~, Division of Juvenile Justice.

40 (3) Upon releasing the prisoner pursuant to the terms of the order, or upon
41 delivering the prisoner to the court, the jailer or personnel of the Division of
42 Juvenile Justice ~~Section~~ must note the time and date on the order and return it
43 to the clerk. Personnel of the ~~Juvenile Justice Section~~, Division of Juvenile
44 Justice, or personnel approved by the ~~Juvenile Justice Section~~, Division of
45 Juvenile Justice, shall transport the person under the age of 18 from the
46 juvenile detention facility or holdover facility to court and shall transfer the
47 person back to the juvenile detention facility or holdover facility.

48"

49 **SECTION 19C.9.(i)** G.S. 15A-1301 reads as rewritten:

50 **"§ 15A-1301. Order of commitment to imprisonment when not otherwise specified.**

1 When a judicial official orders that a defendant be imprisoned he must issue an appropriate
2 written commitment order. When the commitment is to a sentence of imprisonment, the
3 commitment must include the identification and class of the offense or offenses for which the
4 defendant was convicted and, if the sentences are consecutive, the maximum sentence allowed
5 by law upon conviction of each offense for the punishment range used to impose the sentence for
6 the class of offense and prior record or conviction level, and, if the sentences are concurrent or
7 consolidated, the longest of the maximum sentences allowed by law for the classes of offense
8 and prior record or conviction levels upon conviction of any of the offenses. If the person
9 sentenced to imprisonment is under the age of 18, the person must be committed to a ~~detention~~
10 ~~facility approved by the Juvenile Justice Section of the Division of Adult Correction and Juvenile~~
11 ~~Justice~~ pursuant to G.S. 15A-1352 to provide secure confinement and care for juveniles. If the
12 person is under the age of 18, the person may be temporarily confined in a holdover facility as
13 defined in G.S. 7B-1501(11) until the person can be transferred to a ~~juvenile detention~~
14 ~~facility-facility pursuant to G.S. 15A-1352.~~ Personnel of the Division of Juvenile Justice Section
15 or personnel approved by the Division of Juvenile Justice Section shall transport the person to
16 the juvenile detention facility or the holdover facility."

17 **SECTION 19C.9.(j)** G.S. 15A-1343 reads as rewritten:
18 **"§ 15A-1343. Conditions of probation.**

19 ...
20 (a1) Community and Intermediate Probation Conditions. – In addition to any conditions a
21 court may be authorized to impose pursuant to G.S. 15A-1343(b1), the court may include any
22 one or more of the following conditions as part of a community or intermediate punishment:

23 ...
24 (3) Submission to a period or periods of confinement in a local confinement
25 facility for a total of no more than six days per month during any three separate
26 months during the period of probation. The six days per month confinement
27 provided for in this subdivision may only be imposed as two-day or three-day
28 consecutive periods. When a defendant is on probation for multiple
29 judgments, confinement periods imposed under this subdivision shall run
30 concurrently and may total no more than six days per month. If the person
31 being ordered to a period or periods of confinement is under the age of 18,
32 that person must be confined in a detention facility approved by the Division
33 ~~of Juvenile Justice Section of the Division of Adult Correction and Juvenile~~
34 ~~Justice~~ to provide secure confinement and care for juveniles or to a holdover
35 facility as defined in G.S. 7B-1501(11). If the person being ordered to a period
36 or periods of confinement reaches the age of 18 years while in confinement,
37 the person may be transported by personnel of the Division of Juvenile Justice
38 ~~Section of the Division, Justice,~~ or personnel approved by the Division of
39 ~~Juvenile Justice Section, Justice,~~ to the custody of the sheriff of the applicable
40 local confinement facility.

41 ...
42 (b) Regular Conditions. – As regular conditions of probation, a defendant must:

43 ...
44 (16) Supply a breath, urine, or blood specimen for analysis of the possible presence
45 of prohibited drugs or alcohol when instructed by the defendant's probation
46 officer for purposes directly related to the probation supervision. If the results
47 of the analysis are positive, the probationer may be required to reimburse the
48 Division of Adult Correction and Juvenile Justice of the Department of Public
49 Safety for the actual costs of drug or alcohol screening and testing.

1 In addition to these regular conditions of probation, a defendant required to serve an active
2 term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or
3 G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and
4 regulations of the Division of Adult Correction and Juvenile Justice of the Department of Public
5 Safety governing the conduct of inmates while imprisoned and report to a probation officer in
6 the State of North Carolina within 72 hours of his discharge from the active term of
7 imprisonment.

8 ...

9 (b1) Special Conditions. – In addition to the regular conditions of probation specified in
10 subsection (b), the court may, as a condition of probation, require that during the probation the
11 defendant comply with one or more of the following special conditions:

12 ...

- 13 (6) Perform community or reparation service under the supervision of the Section
14 of Community Corrections of the Division of Adult Correction and Juvenile
15 Justice and pay the fee required by G.S. 143B-708.

16 ...

17 (b2) Special Conditions of Probation for Sex Offenders and Persons Convicted of Offenses
18 Involving Physical, Mental, or Sexual Abuse of a Minor. – As special conditions of probation, a
19 defendant who has been convicted of an offense which is a reportable conviction as defined in
20 G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, must:

21 ...

- 22 (8) Submit to satellite-based monitoring pursuant to Part 5 of Article 27A of
23 Chapter 14 of the General Statutes, if the defendant is in the category
24 described by G.S. 14-208.40(a)(2), and the Division of Adult Correction and
25 Juvenile Justice of the Department of Public Safety, based on the Division's
26 risk assessment program, recommends that the defendant submit to the highest
27 possible level of supervision and monitoring.

- 28 (9) Submit at reasonable times to warrantless searches by a probation officer of
29 the probationer's person and of the probationer's vehicle and premises while
30 the probationer is present, for purposes specified by the court and reasonably
31 related to the probation supervision, but the probationer may not be required
32 to submit to any other search that would otherwise be unlawful. For purposes
33 of this subdivision, warrantless searches of the probationer's computer or other
34 electronic mechanism which may contain electronic data shall be considered
35 reasonably related to the probation supervision. Whenever the warrantless
36 search consists of testing for the presence of illegal drugs, the probationer may
37 also be required to reimburse the Division of Adult Correction and Juvenile
38 Justice of the Department of Public Safety for the actual cost of drug screening
39 and drug testing, if the results are positive.

40 Defendants subject to the provisions of this subsection shall not be placed on unsupervised
41 probation.

42 (b3) Screening and Assessing for Chemical Dependency. – A defendant ordered to submit
43 to a period of residential treatment in the Drug Alcohol Recovery Treatment program (DART)
44 or the Black Mountain Substance Abuse Treatment Center for Women operated by the Division
45 of Adult Correction and Juvenile Justice of the Department of Public Safety must undergo a
46 screening to determine chemical dependency. If the screening indicates the defendant is
47 chemically dependent, the court shall order an assessment to determine the appropriate level of
48 treatment. The assessment may be conducted either before or after the court imposes the
49 condition, but participation in the program shall be based on the results of the assessment.

50 (b4) Intermediate Conditions. – The following conditions of probation apply to each
51 defendant subject to intermediate punishment:

1 (1) If required in the discretion of the defendant's probation officer, perform
2 community service under the supervision of the Section of Community
3 Corrections of the Division of Adult Correction and Juvenile Justice and pay
4 the fee required by G.S. 143B-708.

5 ...

6 (c) Statement of Conditions. – A defendant released on supervised probation must be
7 given a written statement explicitly setting forth the conditions on which the defendant is being
8 released. If any modification of the terms of that probation is subsequently made, the defendant
9 must be given a written statement setting forth the modifications.

10 Upon entry of an order of supervised probation by the court, a defendant shall submit to the
11 Division of Adult Correction and Juvenile Justice for filing with the clerk of superior court a
12 signed document stating that:

13"

14 **SECTION 19C.9.(k)** G.S. 15A-1343.2 reads as rewritten:

15 **"§ 15A-1343.2. Special probation rules for persons sentenced under Article 81B.**

16 ...

17 (b) Purposes of Probation for Community and Intermediate Punishments. – The Division
18 of Adult Correction and Juvenile Justice of the Department of Public Safety shall develop a plan
19 to handle offenders sentenced to community and intermediate punishments. The probation
20 program designed to handle these offenders shall have the following principal purposes: to hold
21 offenders accountable for making restitution, to ensure compliance with the court's judgment, to
22 effectively rehabilitate offenders by directing them to specialized treatment or education
23 programs, and to protect the public safety.

24 (b1) Departmental Risk Assessment by Validated Instrument Required. – As part of the
25 probation program developed by the Division of Adult Correction and Juvenile Justice of the
26 Department of Public Safety pursuant to subsection (b) of this section, the Division of Adult
27 Correction and Juvenile Justice of the Department of Public Safety shall use a validated
28 instrument to assess each probationer for risk of reoffending and shall place a probationer in a
29 supervision level based on the probationer's risk of reoffending and criminogenic needs.

30 ...

31 (e) Delegation to Probation Officer in Community Punishment. – Unless the presiding
32 judge specifically finds in the judgment of the court that delegation is not appropriate, the Section
33 of Community Corrections of the Division of Adult Correction and Juvenile Justice of the
34 Department of Public Safety may require an offender sentenced to community punishment to do
35 any of the following:

36 ...

37 (5) Submit to a period or periods of confinement in a local confinement facility
38 for a total of no more than six days per month during any three separate
39 months during the period of probation. The six days per month confinement
40 provided for in this subdivision may only be imposed as two-day or three-day
41 consecutive periods. When a defendant is on probation for multiple
42 judgments, confinement periods imposed under this subdivision shall run
43 concurrently and may total no more than six days per month. If the person
44 being ordered to a period or periods of confinement is under the age of 18,
45 that person must be confined in a detention facility approved by the Division
46 of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile~~
47 ~~Justice~~ to provide secure confinement and care for juveniles or to a holdover
48 facility as defined in G.S. 7B-1501(11). If the person being ordered to a period
49 or periods of confinement reaches the age of 18 years while in confinement,
50 the person may be transported by personnel of the Division of Juvenile Justice
51 ~~Section of the Division, Justice,~~ or personnel approved by the Division of

Juvenile ~~Justice Section, Justice,~~ to the custody of the sheriff of the applicable local confinement facility.

...

(f) Delegation to Probation Officer in Intermediate Punishments. – Unless the presiding judge specifically finds in the judgment of the court that delegation is not appropriate, the Section of Community Corrections of the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety may require an offender sentenced to intermediate punishment to do any of the following:

...

(6) Submit to a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subdivision may only be imposed as two-day or three-day consecutive periods. When a defendant is on probation for multiple judgments, confinement periods imposed under this subdivision shall run concurrently and may total no more than six days per month. If the person being ordered to a period or periods of confinement is under the age of 18, that person must be confined in a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or periods of confinement reaches the age of 18 years while in confinement, the person may be transported by personnel of the Division of Juvenile Justice ~~Section of the Division, Justice,~~ or personnel approved by the Division of Juvenile Justice Section, Justice, to the custody of the sheriff of the applicable local confinement facility.

...."

SECTION 19C.9.(I) G.S. 15A-1344 reads as rewritten:

"§ 15A-1344. Response to violations; alteration and revocation.

...

(c) Procedure on Altering or Revoking Probation; Returning Probationer to District Where Sentenced. – When a judge reduces, terminates, extends, modifies, or revokes probation outside the county where the judgment was entered, the clerk must send a copy of the order and any other records to the court where probation was originally imposed. A court on its own motion may return the probationer to the district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, where probation was imposed or where the probationer resides for reduction, termination, continuation, extension, modification, or revocation of probation. In cases where the probation is revoked in a county other than the county of original conviction the clerk in that county must issue a commitment order and must file the order revoking probation and the commitment order, which will constitute sufficient permanent record of the proceeding in that court, and must send a certified copy of the order revoking probation, the commitment order, and all other records pertaining thereto to the county of original conviction to be filed with the original records. The clerk in the county other than the county of original conviction must issue the formal commitment to the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety.

...

(d2) Confinement in Response to Violation. – When a defendant under supervision for a felony conviction has violated a condition of probation other than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of confinement of 90 consecutive days to be served in the custody of the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety. The court may not revoke probation unless the defendant has

1 previously received a total of two periods of confinement under this subsection. A defendant may
2 receive only two periods of confinement under this subsection. The 90-day term of confinement
3 ordered under this subsection for a felony shall not be reduced by credit for time already served
4 in the case. Any such credit shall instead be applied to the suspended sentence. However, if the
5 time remaining on the maximum imposed sentence on a defendant under supervision for a felony
6 conviction is 90 days or less, then the term of confinement is for the remaining period of the
7 sentence. Confinement under this section shall be credited pursuant to G.S. 15-196.1.

8 When a defendant under supervision for a misdemeanor conviction sentenced pursuant to
9 Article 81B of Chapter 15A of the General Statutes has violated a condition of probation other
10 than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of
11 confinement pursuant to G.S. 15A-1343(a1)(3). If the person being ordered to a period of
12 confinement is under the age of 18, that person must be confined in a detention facility approved
13 by the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile~~
14 ~~Justice~~ to provide secure confinement and care for juveniles or to a holdover facility as defined
15 in G.S. 7B-1501(11). If the person being ordered to a period of confinement reaches the age of
16 18 years while in confinement, the person may be transported by personnel of the Division of
17 ~~Juvenile Justice~~ ~~Section of the Division, Justice,~~ or personnel approved by the Division of
18 ~~Juvenile Justice~~ ~~Section, Justice,~~ to the custody of the sheriff of the applicable local confinement
19 facility. The court may not revoke probation unless the defendant has previously received at least
20 two periods of confinement for violating a condition of probation other than G.S. 15A-1343(b)(1)
21 or G.S. 15A-1343(b)(3a). Those periods of confinement may have been imposed pursuant to
22 G.S. 15A-1343(a1)(3), 15A-1343.2(e)(5), or 15A-1343.2(f)(6). The second period of
23 confinement must have been imposed for a violation that occurred after the defendant served the
24 first period of confinement. Confinement under this section shall be credited pursuant to
25 G.S. 15-196.1.

26 When a defendant under supervision for a misdemeanor conviction not sentenced pursuant
27 to Article 81B of Chapter 15A of the General Statutes has violated a condition of probation other
28 than G.S. 15A-1343(b)(1) or G.S. 15A-1343(b)(3a), the court may impose a period of
29 confinement of up to 90 consecutive days to be served where the defendant would have served
30 an active sentence. The court may not revoke probation unless the defendant has previously
31 received a total of two periods of confinement under this subsection. A defendant may receive
32 only two periods of confinement under this subsection. Confinement under this section shall be
33 credited pursuant to G.S. 15-196.1.

34 The period of confinement imposed under this subsection on a defendant who is on probation
35 for multiple offenses shall run concurrently on all cases related to the violation. Confinement
36 shall be immediate unless otherwise specified by the court.

37 (e) Special Probation in Response to Violation. – When a defendant has violated a
38 condition of probation, the court may modify the probation to place the defendant on special
39 probation as provided in this subsection. In placing the defendant on special probation, the court
40 may continue or modify the conditions of probation and in addition require that the defendant
41 submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever
42 time or intervals within the period of probation the court determines. In addition to any other
43 conditions of probation which the court may impose, the court shall impose, when imposing a
44 period or periods of imprisonment as a condition of special probation, the condition that the
45 defendant obey the rules and regulations of the ~~Division of Adult Correction and Juvenile Justice~~
46 of the Department of Public Safety governing conduct of inmates, and this condition shall apply
47 to the defendant whether or not the court imposes it as a part of the written order. If imprisonment
48 is for continuous periods, the confinement may be in either the custody of the Division of Adult
49 ~~Correction and Juvenile Justice~~ of the Department of Public Safety or a local confinement
50 facility. Noncontinuous periods of imprisonment under special probation may only be served in
51 a designated local confinement or treatment facility. If the person being ordered to a period or

1 periods of imprisonment, either continuous or noncontinuous, is under the age of 18, that person
2 must be imprisoned in a detention facility approved by the Division of Juvenile Justice ~~Section~~
3 ~~of the Division of Adult Correction and Juvenile Justice~~ to provide secure confinement and care
4 for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered
5 to a period or periods of imprisonment reaches the age of 18 years while imprisoned, the person
6 may be transported by personnel of the Division of Juvenile Justice ~~Section of the Division,~~
7 Justice, or personnel approved by the Division of Juvenile Justice ~~Section, Justice~~, to the custody
8 of the sheriff of the applicable local confinement facility.

9 Except for probationary sentences for impaired driving under G.S. 20-138.1, the total of all
10 periods of confinement imposed as an incident of special probation, but not including an activated
11 suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment
12 imposed for the offense. For probationary sentences for impaired driving under G.S. 20-138.1,
13 the total of all periods of confinement imposed as an incident of special probation, but not
14 including an activated suspended sentence, shall not exceed one-fourth the maximum penalty
15 allowed by law. No confinement other than an activated suspended sentence may be required
16 beyond the period of probation or beyond two years of the time the special probation is imposed,
17 whichever comes first.

18 (e1) Criminal Contempt in Response to Violation. – If a defendant willfully violates a
19 condition of probation, the court may hold the defendant in criminal contempt as provided in
20 Article 1 of Chapter 5A of the General Statutes. A finding of criminal contempt by the court shall
21 not revoke the probation. If the offender serves a sentence for contempt in a local confinement
22 facility, the Division of Adult Correction and Juvenile Justice of the Department of Public Safety
23 shall pay for the confinement at the standard rate set by the General Assembly pursuant to
24 G.S. 148-32.1(a) regardless of whether the offender would be eligible under the terms of that
25 subsection.

26"

27 **SECTION 19C.9.(m)** G.S. 15A-1351(a) reads as rewritten:

28 "(a) The judge may sentence to special probation a defendant convicted of a criminal
29 offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record
30 or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment
31 is authorized for the class of offense of which the defendant has been convicted. A defendant
32 convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation.
33 Under a sentence of special probation, the court may suspend the term of imprisonment and place
34 the defendant on probation as provided in Article 82, Probation, and in addition require that the
35 defendant submit to a period or periods of imprisonment in the custody of the Division of Adult
36 Correction and Juvenile Justice of the Department of Public Safety or a designated local
37 confinement or treatment facility at whatever time or intervals within the period of probation,
38 consecutive or nonconsecutive, the court determines, as provided in this subsection. For
39 probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, all
40 imprisonment under this subsection shall be in a designated local confinement or treatment
41 facility. If the person being ordered to a period or periods of imprisonment is under the age of
42 18, that person must be imprisoned in a detention facility approved by the Division of Juvenile
43 Justice ~~Section of the Division of Adult Correction and Juvenile Justice~~ to provide secure
44 confinement and care for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If
45 the person being ordered to a period or periods of imprisonment reaches the age of 18 years while
46 imprisoned, the person may be transported by personnel of the Division of Juvenile Justice
47 Section of the Division, Justice, or personnel approved by the Division of Juvenile Justice
48 Section, Justice, to the custody of the sheriff of the applicable local confinement facility. In
49 addition to any other conditions of probation which the court may impose, the court shall impose,
50 when imposing a period or periods of imprisonment as a condition of special probation, the
51 condition that the defendant obey the Rules and Regulations of the Division of Adult Correction

1 ~~and Juvenile Justice~~ of the Department of Public Safety governing conduct of inmates, and this
2 condition shall apply to the defendant whether or not the court imposes it as a part of the written
3 order. Except for probationary sentences for misdemeanors, including impaired driving under
4 G.S. 20-138.1, if imprisonment is for continuous periods, the confinement may be in the custody
5 of either the Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety
6 or a local confinement facility. Noncontinuous periods of imprisonment under special probation
7 may only be served in a designated local confinement or treatment facility. If the person being
8 ordered continuous or noncontinuous periods of imprisonment is under the age of 18, that person
9 must be imprisoned in a detention facility approved by the Division of Juvenile Justice ~~Section~~
10 ~~of the Division of Adult Correction and Juvenile Justice~~ to provide secure confinement and care
11 for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered
12 to a period or periods of imprisonment reaches the age of 18 years while imprisoned, the person
13 may be transported by personnel of the Division of Juvenile Justice ~~Section of the Division,~~
14 Justice, or personnel approved by the Division of Juvenile Justice ~~Section, Justice,~~ to the custody
15 of the sheriff of the applicable local confinement facility. Except for probationary sentences of
16 impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an
17 incident of special probation, but not including an activated suspended sentence, may not exceed
18 one-fourth the maximum sentence of imprisonment imposed for the offense, and no confinement
19 other than an activated suspended sentence may be required beyond two years of conviction. For
20 probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of
21 confinement imposed as an incident of special probation, but not including an activated
22 suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. In
23 imposing a sentence of special probation, the judge may credit any time spent committed or
24 confined, as a result of the charge, to either the suspended sentence or to the imprisonment
25 required for special probation. The original period of probation, including the period of
26 imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but
27 may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court
28 may revoke, modify, or terminate special probation as otherwise provided for probationary
29 sentences."

30 **SECTION 19C.9.(n)** G.S. 15A-1352 reads as rewritten:

31 "**§ 15A-1352. Commitment to Division of Adult Correction ~~and Juvenile Justice~~ of the**
32 **Department of Public Safety or local confinement facility.**

33 (a) Except as provided in subsection (f) of this section, a person sentenced to
34 imprisonment for a misdemeanor under this Article or for nonpayment of a fine for conviction
35 of a misdemeanor under Article 84 of this Chapter shall be committed for the term designated by
36 the court to the Statewide Misdemeanant Confinement Program as provided in G.S. 148-32.1 or,
37 if the period is for 90 days or less, to a local confinement facility, except as provided for in
38 G.S. 148-32.1(b).

39 If a person is sentenced to imprisonment for a misdemeanor under this Article or for
40 nonpayment of a fine under Article 84 of this Chapter, the sentencing judge may make a finding
41 of fact as to whether the person would be suitable for placement in a county satellite jail/work
42 release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of
43 fact that the person would be suitable for placement in a county satellite jail/work release unit
44 and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the
45 local confinement facility may transfer the misdemeanant to a county satellite jail/work release
46 unit.

47 If the person sentenced to imprisonment is under the age of 18, the person must be committed
48 to a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of~~
49 ~~Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles.
50 Personnel of the Division of Juvenile Justice ~~Section of the Division~~ or personnel approved by
51 the Division of Juvenile Justice ~~Section~~ shall transport the person to the detention facility. If the

1 person sentenced to imprisonment reaches the age of 18 years while imprisoned, the person may
2 be transported by personnel of the Division of Juvenile Justice ~~Section of the Division, Justice,~~
3 or personnel approved by the Division of Juvenile Justice ~~Section, Justice,~~ to the custody of the
4 sheriff of the applicable local confinement facility.

5 (b) A person sentenced to imprisonment for a felony under this Article or for nonpayment
6 of a fine for conviction of a felony under Article 84 of this Chapter shall be committed for the
7 term designated by the court to the custody of the Division of Adult Correction ~~and Juvenile~~
8 ~~Justice~~ of the Department of Public Safety.

9 ...

10 (f) A person sentenced to imprisonment of any duration for impaired driving under
11 G.S. 20-138.1, other than imprisonment required as a condition of special probation under
12 G.S. 15A-1351(a) or G.S. 15A-1344(e), shall be committed to the Statewide Misdemeanant
13 Confinement Program established under G.S. 148-32.1.

14 If the person sentenced to imprisonment is under the age of 18, the person must be committed
15 to a detention facility approved by the Division of Juvenile Justice ~~Section of the Division of~~
16 ~~Adult Correction and Juvenile Justice~~ to provide secure confinement and care for juveniles.
17 Personnel of the Division of Juvenile Justice ~~Section~~ or personnel approved by the Division of
18 Juvenile Justice ~~Section~~ shall transport the person to the detention facility. If the person sentenced
19 to imprisonment reaches the age of 18 years while imprisoned, the person may be transported by
20 personnel of the Division of Juvenile Justice ~~Section of the Division, Justice,~~ or personnel
21 approved by the Division of Juvenile Justice ~~Section, Justice,~~ to the custody of the sheriff of the
22 applicable local confinement facility."

23
24 **SECTION 19C.9.(o)** G.S. 15A-2000(e) reads as rewritten:

25 "(e) Aggravating Circumstances. – Aggravating circumstances which may be considered
26 are limited to the following:

27 ...

28 (8) The capital felony was committed against a law-enforcement officer,
29 employee of either the Division of Adult Correction ~~and~~ or the Division of
30 Juvenile Justice of the Department of Public Safety, jailer, fireman, judge or
31 justice, former judge or justice, prosecutor or former prosecutor, juror or
32 former juror, or witness or former witness against the defendant, while
33 engaged in the performance of his official duties or because of the exercise of
34 his official duty.

35"

36 **SECTION 19C.9.(p)** G.S. 17C-3(a)(6) reads as rewritten:

37 "(a) There is established the North Carolina Criminal Justice Education and Training
38 Standards Commission, hereinafter called "the Commission." The Commission shall be
39 composed of 34 members as follows:

40 ...

41 (6) Adult Correction and Juvenile Justice. – Four correctional officers in
42 management positions employed by the Division of Adult Correction ~~and~~
43 ~~Juvenile Justice~~ of the Department of Public Safety shall be appointed, two
44 from the Section of Community Corrections upon the recommendation of the
45 Speaker of the House of Representatives and two from the Section of Prisons
46 upon the recommendation of the President Pro Tempore of the Senate.
47 Appointments by the General Assembly shall be made in accordance with
48 G.S. 120-122. Appointments by the General Assembly shall serve two-year
49 terms to conclude on June 30th in odd-numbered years or until the appointee
50 no longer serves in a management position with the Division of Adult
51 ~~Correction and Juvenile Justice, Correction,~~ whichever occurs first. The

1 Governor shall appoint one correctional officer employed by the Division of
2 Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety and
3 assigned to the Office of Staff Development and Training, and one juvenile
4 justice officer employed by the Division of Juvenile Justice ~~Section of the~~
5 ~~Division of Adult Correction and Juvenile Justice~~. The Governor's
6 appointments shall serve three-year terms or until the appointee is no longer
7 assigned to the Office of Staff Development and Training or is no longer a
8 juvenile justice officer, whichever occurs first."

9 **SECTION 19C.9.(q)** G.S. 108A-14(a) reads as rewritten:

10 "(a) The director of social services shall have the following duties and responsibilities:

11 ...

12 (9) To assist and cooperate with the Division of Adult Correction and the Division
13 of Juvenile Justice of the Department of Public Safety and their
14 representatives;

15"

16 **SECTION 19C.9.(r)** G.S. 115D-5(b) reads as rewritten:

17 "(b) In order to make instruction as accessible as possible to all citizens, the teaching of
18 curricular courses and of noncurricular extension courses at convenient locations away from
19 institution campuses as well as on campuses is authorized and shall be encouraged. A pro rata
20 portion of the established regular tuition rate charged a full-time student shall be charged a
21 part-time student taking any curriculum course. In lieu of any tuition charge, the State Board of
22 Community Colleges shall establish a uniform registration fee, or a schedule of uniform
23 registration fees, to be charged students enrolling in extension courses for which instruction is
24 financed primarily from State funds. The State Board of Community Colleges may provide by
25 general and uniform regulations for waiver of tuition and registration fees for the following:

26 ...

27 (2) Courses requested by the following entities that support the organizations'
28 training needs and are on a specialized course list approved by the State Board
29 of Community Colleges:

30 ...

31 g. The Division of Adult Correction and the Division of Juvenile Justice
32 of the Department of Public Safety for the training of full-time
33 custodial employees and employees of the ~~Division~~ Divisions required
34 to be certified under Article 1 of Chapter 17C of the General Statutes
35 and the rules of the Criminal Justice and Training Standards
36 Commission.

37"

38 **SECTION 19C.9.(s)** G.S. 120-70.94(a) reads as rewritten:

39 "(a) The Joint Legislative Oversight Committee on Justice and Public Safety shall
40 examine, on a continuing basis, the correctional, law enforcement, and juvenile justice systems
41 in North Carolina, in order to make ongoing recommendations to the General Assembly on ways
42 to improve those systems and to assist those systems in realizing their objectives of protecting
43 the public and of punishing and rehabilitating offenders. In this examination, the Committee
44 shall:

45 ...

46 (2) Examine the effectiveness of the Division of Adult Correction ~~and Juvenile~~
47 ~~Justice~~ of the Department of Public Safety in implementing the public policy
48 stated in G.S. 148-26 of providing work assignments and employment for
49 inmates as a means of reducing the cost of maintaining the inmate population
50 while enabling inmates to acquire or retain skills and work habits needed to
51 secure honest employment after their release.

1 ...
2 (2b) Examine the effectiveness of the Division of ~~Adult Correction and Juvenile~~
3 Justice of the Department of Public Safety in implementing the duties and
4 responsibilities charged to the Division in Part 3 of Article 13 of Chapter 143B
5 of the General Statutes and the overall effectiveness and efficiency of the
6 juvenile justice system in the State.

7 ...
8 (10) Study the needs of juveniles. This study may include, but is not limited to:
9 a. Determining the adequacy and appropriateness of services:
10 1. To children and youth receiving child welfare
11 ~~services;~~services.
12 2. To children and youth in the juvenile court ~~system;~~system.
13 3. Provided by the Division of Social Services of the Department
14 of Health and Human Services and the Division of ~~Adult~~
15 ~~Correction and Juvenile Justice~~ of the Department of Public
16 ~~Safety;~~Safety.
17 4. To children and youth served by the Mental Health,
18 Developmental Disabilities, and Substance Abuse Services
19 system.

20"

21 **SECTION 19C.9.(t)** The title of Part 10 of Article 5 of Chapter 122C of the General
22 Statutes reads as rewritten:

23 "Part 10. Voluntary Admissions, Involuntary Commitments and Discharges, Inmates and
24 Parolees, Division of Adult Correction ~~and Juvenile Justice~~ of the Department of Public
25 Safety."

26 **SECTION 19C.9.(u)** G.S. 126-5(c3) reads as rewritten:

27 "(c3) Except as to the policies, rules, and plans established by the Commission pursuant to
28 G.S. 126-4(5) and the provisions of Article 6 of this Chapter, the provisions of this Chapter shall
29 not apply to: Teaching and related educational classes of employees of the Division of ~~Adult~~
30 ~~Correction and Juvenile Justice~~ of the Department of Public Safety, the Department of Health
31 and Human Services, and any other State department, agency or institution, whose salaries shall
32 be set in the same manner as set for corresponding public school employees in accordance with
33 Chapter 115C of the General Statutes."

34 **SECTION 19C.9.(v)** G.S. 143-138(g) reads as rewritten:

35 "(g) Publication and Distribution of Code. – The Building Code Council shall cause to be
36 printed, after adoption by the Council, the North Carolina State Building Code and each
37 amendment thereto. It shall, at the State's expense, distribute copies of the Code and each
38 amendment to State and local governmental officials, departments, agencies, and educational
39 institutions, as is set out in the table below. (Those marked by an asterisk will receive copies only
40 on written request to the Council.)

41 OFFICIAL OR AGENCY	NUMBER OF COPIES
-----------------------	------------------

42 ...	
43 Division of Adult Correction of the Department of Public Safety	1
44 and Division of Juvenile Justice of the Department of Public Safety.....	1
45"	

46 **SECTION 19C.9.(w)** G.S. 143-166.1 reads as rewritten:

47 **"§ 143-166.1. Purpose.**

48 In consideration of hazardous public service rendered to the people of this State, there is
49 hereby provided a system of benefits for dependents of law-enforcement officers, firefighters,
50 rescue squad workers, and senior Civil Air Patrol members killed in the discharge of their official
51 duties, and for dependents of noncustodial employees of the Division of Adult Correction and

1 the Division of Juvenile Justice of the Department of Public Safety killed by an individual or
2 individuals in the custody of the Division of Adult Correction ~~and or the Division of Juvenile~~
3 Justice of the Department of Public Safety."

4 **SECTION 19C.9.(x)** G.S. 143-166.2 reads as rewritten:

5 **"§ 143-166.2. Definitions.**

6 The following definitions apply in this Article:

7 (1) Covered person. – This term shall apply to all of the following individuals:

- 8 a. Firefighters.
9 b. Law enforcement officers.
10 c. Noncustodial employees of either the Division of Adult Correction
11 ~~and or the Division of Juvenile Justice~~ of the Department of Public
12 Safety.
13 d. Rescue squad workers.
14 e. Senior Civil Air Patrol members.

15 (2) Custodial employee. – An employee of either the Division of Adult Correction
16 ~~and or the Division of Juvenile Justice~~ of the Department of Public Safety who
17 is a detention officer or a correctional officer or who otherwise has direct care
18 and control over individuals in the custody of the ~~Division of Adult Correction~~
19 ~~and Juvenile Justice of the Department of Public Safety.~~

20 ...

21 (6) Killed in the line of duty. – This term shall apply to all of the following deaths:

22 ...

- 23 c. The death of a noncustodial employee who, while performing his or
24 her official duties, is killed in a manner reasonably determined by the
25 Industrial Commission to be directly caused by an individual or
26 individuals in the custody of either the Division of Adult Correction
27 ~~and or the Division of Juvenile Justice~~ of the Department of Public
28 Safety.

29 ...

30 (7) Law enforcement officer or officer. – This term shall apply to all of the
31 following individuals:

32 ...

- 33 b. Full-time custodial employees and probation and parole officers of the
34 Division of Adult Correction ~~and Juvenile Justice~~ of the Department
35 of Public Safety.
36 c. Full-time institutional and full-time, permanent part-time, and
37 temporary detention employees of the Division of Juvenile Justice
38 ~~Section of the Division of Adult Correction and Juvenile Justice~~ of the
39 Department of Public Safety.

40 ...

41 (8) Noncustodial employee. – An employee of the Division of Adult Correction
42 ~~and or of the Division of Juvenile Justice~~ of the Department of Public Safety
43 who is not a custodial employee.

44"

45 **SECTION 19C.9.(y)** G.S. 143-166.7 reads as rewritten:

46 **"§ 143-166.7. Applicability of Article.**

47 The provisions of this Article shall apply and be in full force and effect with respect to any
48 law-enforcement officer, firefighter, rescue squad worker or senior Civil Air Patrol member
49 killed in the line of duty on or after May 13, 1975. The provisions of this Article shall apply with
50 respect to full-time, permanent part-time and temporary employees of the North Carolina Forest
51 Service of the Department of Agriculture and Consumer Services killed in the line of duty on or

1 after July 1, 1975. The provisions of this Article shall apply to county fire marshals and
2 emergency services coordinators killed in the line of duty on and after July 1, 1988. The
3 provisions of this Article shall apply to noncustodial employees of the Division of Adult
4 Correction and noncustodial employees of the Division of Juvenile Justice of the Department of
5 Public Safety who are killed in the line of duty on and after April 1, 2017."

6 **SECTION 19C.9.(z)** G.S. 143-166.13(a) reads as rewritten:

7 "(a) The following persons who are subject to the Criminal Justice Training and Standards
8 Act are entitled to benefits under this Article:

9 ...

10 (2) State Correctional Officers, Division of Adult Correction ~~and Juvenile Justice~~
11 of the Department of Public Safety;

12 (3) State Probation and Parole Officers, Division of Adult Correction ~~and Juvenile~~
13 ~~Justice~~ of the Department of Public Safety;

14 (4) Sworn State Law-Enforcement Officers with the power of arrest, Division of
15 Adult Correction ~~and Juvenile Justice~~ of the Department of Public Safety;

16 ...

17 (9) Juvenile Justice Officers, Division of Juvenile Justice ~~Section of the Division~~
18 ~~of Adult Correction and Juvenile Justice~~ of the Department of Public Safety;

19"

20 **SECTION 19C.9.(aa)** G.S. 148-13 reads as rewritten:

21 "**§ 148-13. Regulations as to custody grades, privileges, gain time credit, etc.**

22 ...

23 (a1) The Secretary of Public Safety shall adopt rules to specify the rates at, and
24 circumstances under, which earned time authorized by G.S. 15A-1340.13(d) and
25 G.S. 15A-1340.20(d) may be earned or forfeited by persons serving activated sentences of
26 imprisonment for felony or misdemeanor convictions. Such rules shall include any person
27 serving an activated sentence of imprisonment who is confined in a detention facility approved
28 by the Division of Juvenile Justice ~~Section of the Division of Adult Correction and Juvenile~~
29 ~~Justice~~.

30 ...

31 (e) The Secretary's regulations concerning earned time and good time credits authorized
32 by this section shall be distributed to and followed by local jail administrators and by personnel
33 of the Division of Juvenile Justice ~~Section~~ or personnel approved by the Division of Juvenile
34 ~~Justice Section~~ with regard to sentenced jail prisoners, including prisoners housed in a detention
35 facility approved by the Division of Juvenile Justice ~~Section of the Division of Adult Correction~~
36 ~~and Juvenile Justice~~.

37"

38 **SECTION 19C.9.(bb)** G.S. 148-128 reads as rewritten:

39 "**§ 148-128. Authorization for Correction Enterprises.**

40 The Section of Correction Enterprises of the Division of Adult Correction ~~and Juvenile~~
41 ~~Justice~~ is established as a division-section of the Division of Adult Correction ~~and Juvenile Justice~~
42 of the Department of Public Safety. The Section of Correction Enterprises of the Division of
43 Adult Correction ~~and Juvenile Justice~~ may develop and operate industrial, agricultural, and
44 service enterprises that employ incarcerated offenders in an effort to provide them with
45 meaningful work experiences and rehabilitative opportunities that will increase their
46 employability upon release from prison. Enterprises operated under this Article shall be known
47 as "Correction Enterprises.""

48 **SECTION 19C.9.(cc)** G.S. 164-40 reads as rewritten:

49 "**§ 164-40. Correction population simulation model; Juvenile Justice Section of the Division**
50 ~~of Adult Correction and Juvenile Justice of the Department of Public Safety~~
51 **facilities population simulation model.**

1 ...
2 (b) The Commission shall develop a Juvenile Justice ~~Section of the Division of Adult~~
3 ~~Correction and Juvenile Justice of the Department of Public Safety~~ facilities population
4 simulation model, and shall have first priority to apply the model to a given fact situation, or
5 theoretical change in the dispositional laws set forth in Chapter 7B of the General Statutes, when
6 requested to do so by the Chairman, the Executive Director, or the Commission as a whole.
7 The Executive Director or the Chairman shall make the model available to respond to
8 inquiries by any State legislator, or by the Division of Juvenile Justice ~~Section of the Division of~~
9 ~~Adult Correction and Juvenile Justice~~ of the Department of Public Safety, in second priority to
10 the work of the Commission."

11 **SECTION 19C.9.(dd)** This section becomes effective July 1, 2022.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-CORR-H9(S19C.10)-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

***INCREASED MISDEMEANANT CONFINEMENT REIMBURSEMENT RATE IF
UTILIZING INMATE LABOR***

SECTION 19C.10.(a) Consistent with the provisions of Article 3 of Chapter 148 of the General Statutes, sheriffs having custody of inmates under the Statewide Misdemeanant Confinement Program may hire those inmates to maintain the cleanliness of areas along local and State roadways.

SECTION 19C.10.(b) A sheriff that hires inmates pursuant to subsection (a) of this section shall coordinate with the Department of Transportation before and after a cleanup project to ensure that cleanup efforts are not unnecessarily duplicated by either the sheriff's office or the Department of Transportation. The sheriff shall also ensure that all inmates hired pursuant to this subsection are adequately guarded while working and that food, water, and bathroom facilities are accessible in reasonable amounts and times.

SECTION 19C.10.(c) A sheriff that utilizes inmate labor pursuant to subsection (a) of this section for a combined total of 500 work hours in one calendar month shall submit a record of those work hours to the Department of Public Safety and shall be reimbursed for caring for and housing the inmates of the Statewide Misdemeanant Confinement Program at a rate of at least sixty dollars (\$60.00) per day, per inmate held under the Statewide Misdemeanant Confinement Program for each calendar month in which 500 work hours were completed. This increased reimbursement rate shall be paid to participating sheriffs only until the funds that have been specifically appropriated by the General Assembly for this purpose are exhausted.

SECTION 19C.10.(d) The North Carolina Sheriffs' Association shall report no later than the fifteenth day of each month to the Office of State Budget and Management and the Fiscal Research Division regarding (i) the counties with sheriffs' offices that utilized inmate labor pursuant to subsection (a) of this section, (ii) the number of total hours worked by inmates in each participating county, and (iii) the number of road miles cleaned by inmates in each participating county.

SECTION 19C.10.(e) The North Carolina Sheriffs' Association shall report no later than October 1 of each year to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety, the chairs of the Senate Appropriations Committee on Justice and Public Safety, and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety regarding (i) the counties with sheriffs' offices that utilized inmate labor pursuant to subsection (a) of this section, (ii) the number of total hours worked by inmates in each participating county, and (iii) the number of road miles cleaned by inmates in each participating county.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-CORR-H11-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by

CLOSURE OF LINCOLN CORRECTIONAL CENTER

SECTION #.(a) The Department of Public Safety shall close the Lincoln Correctional Center and transfer inmates and staff accordingly no later than October 1, 2023.

SECTION #.(b) The Department of Public Safety shall report to the House Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety with an implementation plan for subsection (a) of this section no later than April 1, 2023.

SECTION #.(c) This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-CORR-H12-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by

REQUEST FOR PROPOSALS FOR PRISON TECHNOLOGY

SECTION #.(a) Prior to using the funds appropriated in this act to the Department of Public Safety for prison technology upgrades, the Department of Public Safety shall issue a request for proposals that meets the following requirements:

- (1) Either the products or services offered by a participating vendor are capable of each of the following:
 - a. Tracking all phones and other wireless devices within a State prison.
 - b. Blocking the use of contraband phones and other wireless devices within a State prison.
 - c. Broadcasting a secure, private long-term evolution (LTE) network.
 - d. Creating a virtual bank account for each inmate that allows approved friends or family members to send or receive money to and from the account.
 - e. Providing a single sign-on management platform.
- (2) The vendor shall:
 - a. Be able to deploy the products and services it offers within two months of award of the funds.
 - b. Have at least five years of experience performing similar work.
- (3) No funds awarded by the vendor may be used for lobbying the North Carolina General Assembly.

SECTION #.(b) The Department of Public Safety shall, in consultation with the vendor, report on the expenditure of the funds awarded pursuant to subsection (a) of this section to the Joint Legislative Oversight Committee on Justice and Public Safety no later than October 1, 2022, in an interim report and no later than October 1, 2023, in a final report.

SECTION #.(c) The report required by subsection (b) of this section shall include, at a minimum, each of the following:

- (1) A time line of the deployment of products and services.
- (2) An explanation of the implementation of the awarded contract.
- (3) An accounting of the extent to which tracking and blocking technologies were able to successfully track and block phones and wireless devices in State prisons.
- (4) An accounting of the extent to which the private long-term evolution (LTE) network met the needs of State prisons.
- (5) An accounting of the extent to which the virtual bank accounts of inmates were utilized by inmates, their friends, and their family members.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-CORR-H14-P

Adult Correction Division of DPS
House Appropriations, Justice and Public Safety

Requested by

TRANSFER OF ODOM CORRECTIONAL INSTITUTION TO NORTHAMPTON COUNTY

SECTION #.(a) It is the intent of the General Assembly for the State of North Carolina to convey to the Northampton County Board of Commissioners (Northampton County) for the consideration of one dollar (\$1.00) all of its right, title, and interest in the property used for the former Odom Correctional Institution which is currently allocated to the Department of Public Safety, Division of Adult Correction and Juvenile Justice (DPI). In order to accomplish this conveyance, DPI and Northampton County shall mutually develop the boundaries of the property to be conveyed based upon the following directions and limitations:

- (1) The property to be conveyed shall be a subdivision consisting of approximately 64 acres from Parcel Number 0701397 of Northampton County, deed reference Book 424, Page 601, and Book 434, Page 133, totaling approximately 1,119 acres which are currently allocated to the Department of Public Safety, Division of Adult Correction and Juvenile Justice. The conveyance shall include:
 - a. The Odom Correctional Facility buildings and structures, less Correction Enterprise Agricultural operations and those operations belonging to Wildlife Resources, inclusive of those appurtenant correctional yards, fences, towers, service ways, and parking lots, totaling approximately 62 acres.
 - b. The waste treatment plant and immediate grounds, totaling approximately 2 acres.
 - c. Infrastructure and utility lines that serve the Odom Correctional Facility, traversing property retained by the Department of Public Safety, located within easements to be dedicated as noted below.
- (2) The property conveyed pursuant to this section shall not include:
 - a. Lands used by the Wildlife Resources Commission.
 - b. Lands used by the Department of Public Safety for agricultural operations.
 - c. Lands previously used by the Department of Public Safety for permitted land application of treated waste.
- (3) The land to be dedicated for rights-of-way and easements to Northampton County shall be only that of:
 - a. Sewer collection systems necessary for the operation of the transferred buildings.
 - b. Water supply systems necessary for the operation of the transferred buildings.
 - c. Roadway access along Odom Prison Road and unnamed agricultural roads surrounding the buildings.
 - d. Public utility easements not otherwise previously dedicated for gas or electricity.

1 **SECTION #.(b)** Upon completion of developing the boundaries described in
2 subsection (a) of this section, DPI and Northampton County shall submit a metes and bounds
3 description of the property to be conveyed to the State Property Office. The State Property Office
4 shall prepare a deed conveying all of the State's right, title, and interest in the described property
5 to the Northampton County Board of Commissioners for the consideration of one dollar (\$1.00)
6 and subject to the following limitations and instructions:

7 (1) The conveyance is subject to a reversionary interest reserved by the State. The
8 property shall be conveyed to the Northampton County Board of
9 Commissioners for so long as it is utilized for county government purposes.

10 (2) The State of North Carolina shall convey the real property described in
11 subsection (a) of this section "as is" without warranty. The State makes no
12 representations or warranties concerning the title to the property, the
13 boundaries of the property, the uses to which the property may be put, zoning,
14 local ordinances, or any physical, environmental, health, and safety conditions
15 relating to the property.

16 (3) Northampton County shall receive the property with existing water treatment
17 and waste collection systems. The State makes no representations or
18 warranties concerning suitability or operability of such systems for use by
19 Northampton County. Northampton County shall obtain all necessary permits
20 to operate the waste treatment plant and to remove waste treatment process
21 material or effluent from the facilities for disposal. The State shall not be
22 obligated to provide lands for the application of waste treatment process
23 material, effluent, or sludge.

24 **SECTION #.(c)** All costs associated with the conveyance of the property described
25 in subsection (a) of this section, including, but not limited to, subdivision, surveying, engineering
26 services, permitting, and utility connections, shall be borne by Northampton County.

27 **SECTION #.(d)** The conveyance of the State's right, title, and interest in Odom
28 Correctional Institution shall be exempt from the provisions of Article 7 of Chapter 146 of the
29 General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146
30 of the General Statutes, however, the provisions of G.S. 146-74 shall not apply.

31 **SECTION #.(e)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-JUV-H1(S19D.1)i

Division of Juvenile Justice - DPS
House Appropriations, Justice and Public Safety

LIMIT USE OF COMMUNITY PROGRAM FUNDS

SECTION 19D.1.(a) Funds appropriated in this act to the Department of Public Safety for the 2021-2023 fiscal biennium for community program contracts, that are not required for or used for community program contracts, may be used only for the following:

- (1) Other statewide residential programs that provide Level 2 intermediate dispositional alternatives for juveniles.
- (2) Statewide community programs that provide Level 2 intermediate dispositional alternatives for juveniles.
- (3) Regional programs that are collaboratives of two or more Juvenile Crime Prevention Councils which provide Level 2 intermediate dispositional alternatives for juveniles.
- (4) The Juvenile Crime Prevention Council funds to be used for the Level 2 intermediate dispositional alternatives for juveniles listed in G.S. 7B-2506(13) through (23).

SECTION 19D.1.(b) Funds appropriated by this act to the Department of Public Safety for the 2021-2023 fiscal biennium for community programs may not be used for staffing, operations, maintenance, or any other expenses of youth development centers or detention facilities.

SECTION 19D.1.(c) The Department of Public Safety shall submit an electronic report by October 1 of each year of the 2021-2023 fiscal biennium on all expenditures made in the preceding fiscal year from the miscellaneous contract line in Fund Code 1230 to the chairs of the House of Representatives Appropriations Committee on Justice and Public Safety and the Senate Appropriations Committee on Justice and Public Safety and the Fiscal Research Division. The report shall include all of the following: an itemized list of the contracts that have been executed, the amount of each contract, the date the contract was executed, the purpose of the contract, the number of juveniles that will be served and the manner in which they will be served, the amount of money transferred to the Juvenile Crime Prevention Council fund, and an itemized list of grants allocated from the funds transferred to the Juvenile Crime Prevention Council fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-EMNG-H1(S19E.1)i

Emergency Management National Guard
House Appropriations, Justice and Public Safety

TRANSFER OF NCNG TUITION ASSISTANCE PROGRAM

SECTION 19E.1.(a) The North Carolina National Guard Tuition Assistance Program administered by the State Education Assistance Authority is transferred to the Department of Public Safety. This transfer shall have all of the elements of a Type I transfer, as defined in G.S. 143A-6. The State Education Assistance Authority shall transfer all associated program administration funds to the Department of Public Safety.

SECTION 19E.1.(b) Part 2 of Article 23 of Chapter 116 of the General Statutes, G.S. 116-209.50 through G.S. 116-209.55, is recodified as Article 15 of Chapter 127A of the General Statutes, G.S. 127A-190 through G.S. 127A-195.

SECTION 19E.1.(c) Article 15 of Chapter 127A of the General Statutes, as recodified by subsection (b) of this section, reads as rewritten:

"Article 15.

"North Carolina National Guard Tuition Assistance Act of 1975.

"§ 127A-190. Short title.

This ~~Part~~Article shall be known and may be cited as the North Carolina National Guard Tuition Assistance Act of 1975.

"§ 127A-191. Purpose.

The General Assembly of North Carolina, recognizing that the North Carolina National Guard is the only organized, trained and equipped military force subject to the control of the State, hereby establishes a program of tuition assistance for qualifying guard members for the purpose of encouraging voluntary membership in the North Carolina National Guard, improving the educational level of its members, and thereby benefiting the State as a whole.

"§ 127A-192. Definitions.

The following definitions apply in this ~~Part~~Article:

- (1) Academic Year. – The annual enrollment period used by the ~~Authority~~Secretary.
- (2) Private Educational Institutions. – Any junior college, senior college or university which is operated and governed by private interests not under the control of the federal, State or any local government, which is located within and licensed by the State of North Carolina, which does not operate for profit, whose curriculum is primarily directed toward the awarding of associate, baccalaureate or graduate degrees, which agrees to the applicable administration and funding provisions of this ~~Part~~Article.
- (3) Proprietary School. – An educational institution that is (i) defined as a proprietary school in G.S. 115D-87(2), (ii) licensed by the State Board of Community Colleges, ~~and or~~ (iii) listed by the North Carolina State Approving Agency for Veterans and Military Education as an approved proprietary school for purposes of this ~~Part~~Article.
- (3a) Secretary. – The Secretary of Public Safety or the Secretary's designee.

- (4) State Educational Institutions. – Any of the constituent institutions of the University of North Carolina, or any community college operated under the provisions of Chapter 115D of the General Statutes of North Carolina.
- (5) Student Loan. – A loan or loans made to eligible students or parents of students to aid in attaining an education beyond the high school level.

"§ 127A-193. Benefit.

The benefit provided under this ~~Part~~ Article shall consist of a monetary educational assistance grant not to exceed the highest amount charged by a State educational institution per academic year or a lesser amount, as prescribed by the ~~Authority~~ Secretary, to remain within the funds appropriated, to qualifying members of the North Carolina National Guard. Benefits provided under ~~G.S. 116-209.55(g)~~ G.S. 127A-195(g) shall be payable for a period of one year at a time, renewable at the option of the ~~Authority~~ Secretary. All other benefits provided under this ~~Part~~ Article shall be payable for a period of one academic year at a time, renewable at the option of the ~~Authority~~ Secretary.

"§ 127A-194. Eligibility.

(a) Active members of the North Carolina National Guard who are enrolled or who shall enroll in any proprietary school, private educational institution, or State educational institution shall be eligible to apply for this tuition assistance benefit: Provided, that the applicant has a minimum obligation of two years remaining as a member of the North Carolina National Guard from the end of the academic period for which tuition assistance is provided or that the applicant commit himself or herself to extended membership for at least two additional years from the end of that academic period.

(b) This tuition assistance benefit shall be applicable to students in the following categories:

- (1) Students seeking to achieve completion of their secondary school education at a community college or technical institute.
- (2) Students seeking trade or vocational training or education.
- (3) Students seeking to achieve a two-year associate degree.
- (4) Students seeking to achieve a four-year baccalaureate degree.
- (5) Students seeking to achieve a graduate degree.
- (6) Students enrolled in a program granting a graduate certificate.
- (7) Students enrolled in a professional certification program recommended by the Director of the North Carolina National Guard Education and Employment Center and approved by the North Carolina National Guard Education Services Officer.

(c) The following persons shall be eligible to apply for disbursements to pay outstanding student loans pursuant to ~~G.S. 116-209.55(g)~~ G.S. 127A-195(g):

- (1) Persons described in subsections (a) and (b) of this section.
- (2) Active members of the North Carolina National Guard who were previously enrolled in any proprietary school, private educational institution, or State educational institution, but only if:
 - a. The applicant has a minimum obligation of two years remaining as a member of the North Carolina National Guard from the time of the application; or
 - b. The applicant commits himself or herself to extended membership for at least two additional years from the time of the application.

"§ 127A-195. Administration and funding.

(a) The ~~Authority~~ Secretary is charged with the administration of the tuition assistance program under this ~~Part~~ Article. The Secretary may delegate administrative tasks to other persons within the Department of Public Safety as the Secretary deems best for the orderly administration

1 of this program. The Department of Public Safety may also contract with the State Education
2 Assistance Authority for the administration of these tuition benefit disbursements.

3 (b) The ~~Authority-Secretary~~ shall determine the eligibility of applicants, select the benefit
4 recipients, establish the effective date of the benefit, and may suspend or revoke the benefit if the
5 ~~Authority-Secretary~~ finds that the recipient does not maintain an adequate academic status, or if
6 the recipient engages in riots, unlawful demonstrations, the seizure of educational buildings, or
7 otherwise engages in disorderly conduct, breaches of the peace, or unlawful assemblies. The
8 ~~Authority-Secretary~~ shall maintain such records and shall promulgate such rules and regulations
9 as the ~~Authority-Secretary~~ deems necessary for the orderly administration of this program. The
10 ~~Authority-Secretary~~ may require of proprietary schools or State or private educational institutions
11 such reports and other information as the ~~Authority-Secretary~~ may need to carry out the
12 provisions of this ~~Part Article~~ and the ~~Authority-Secretary~~ shall disburse benefit payments for
13 recipients upon certification of enrollment by the enrolling institutions.

14 (c) All tuition benefit disbursements shall be made to the proprietary school or State or
15 private educational institution concerned, for credit to the tuition account of each recipient. Funds
16 disbursed pursuant to subsection (g) of this section shall be made to the student loan creditor
17 concerned to be applied against the outstanding student loans of each North Carolina National
18 Guard member beneficiary.

19 (d) The participation by any proprietary school or private educational institution in this
20 program shall be subject to the applicable provisions of this ~~Part Article~~ and to examination by
21 the State Auditor of the accounts of the benefit recipients attending or having attended such
22 private schools or institutions. The ~~Authority-Secretary~~ may defer making an award or may
23 suspend an award in any proprietary school or private educational institution which does not
24 comply with the provisions of this ~~Part Article~~ relating to said institutions. The manner of
25 payment to any proprietary school or private educational institution shall be as prescribed by the
26 ~~Authority-Secretary~~.

27 (e) Irrespective of other provisions of this ~~Part Article~~, the ~~Authority-Secretary~~ may
28 prescribe special procedures for adjusting the accounts of benefit recipients who, for reasons of
29 illness, physical inability to attend classes or for other valid reason satisfactory to the ~~Authority~~,
30 ~~Secretary~~, may withdraw from any proprietary school or State or private educational institution
31 prior to the completion of the term, semester, quarter or other academic period being attended at
32 the time of withdrawal.

33 (f) Any balance of the monetary educational assistance grant up to the maximum for the
34 academic year remaining after tuition is paid pursuant to subsection (c) of this section may be
35 disbursed to the recipient as reimbursement for required course books and materials. The manner
36 of obtaining the reimbursement payment for these required books and materials shall be as
37 prescribed by the ~~Authority-Secretary~~.

38 (g) Any funds not needed to accomplish the other purposes of this ~~Part Article~~ may be
39 used to help members of the North Carolina National Guard repay outstanding student loans in
40 accordance with rules to be adopted by the ~~Authority-Secretary~~. These rules shall provide that
41 the length of a member's deployment may be considered in determining whether or not, and in
42 what amount, a member receives assistance pursuant to this subsection. There shall be no
43 reimbursement under this subsection for payments already made on student loans, and funds shall
44 not be provided under this subsection for the purpose of paying student loans obtained for courses
45 from which the member withdrew or for which the member did not receive a passing grade.
46 Payments for outstanding loans shall not exceed the maximum benefit available under ~~G.S.~~
47 ~~116-209.53~~.G.S. 127A-193."

48 **SECTION 19E.1.(d)** This section becomes effective July 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-EMNG-H2(S19E.2)i

Emergency Management National Guard
House Appropriations, Justice and Public Safety

TARHEEL CHALLENGE CODIFICATION

SECTION 19E.2.(a) Chapter 127A of the General Statutes is amended by adding a new Article to read:

"Article 18.

"Tarheel Challenge Academy.

"§ 127A-220. Purpose; establishment.

The purpose of this Article is to authorize the North Carolina National Guard's Tarheel Challenge Academy to operate independently of existing schools. The Tarheel Challenge Academy is established as a Division of the North Carolina National Guard. The Tarheel Challenge Academy shall satisfy all of the following:

- (1) Exist as a cost-free program.
- (2) Be housed for administrative purposes within the North Carolina National Guard.
- (3) Be a community-based school that leads, trains, and mentors at-risk youth.
- (4) Be designated as an approved alternative learning program, as defined in this Article, and an innovative school option.
- (5) Create at least a 22-week residential program that requires a 12-month post-residential mentoring period.
- (6) Improve life skills and employment potential of participants by providing quasi-military based training and supervised work experience.
- (7) Teach the "8 Core Components" of academic excellence, job skills, health and hygiene, physical fitness, life coping skills, responsible citizenship, leadership, and service to community.
- (8) Increase opportunity for participants to receive a high school diploma or its equivalent.
- (9) Enjoy the full cooperation of other State and local agencies in carrying out its program.

"§ 127A-221. Definitions.

The following definitions apply for the purposes of this Article:

- (1) Academy. – Tarheel Challenge Academy, a Division of the North Carolina National Guard.
- (2) Alternative learning program. – A program offered by the Academy that provides specialized services for at-risk students outside of a standard classroom setting. Services should be designed to meet the needs of students who have not been successful in the traditional school setting.
- (3) Eligible participant. – An individual who meets all of the following criteria:
 - a. Is a minimum of 16 years of age and a maximum of 18 years of age at the time of entry into the program.
 - b. Has failed to complete or has left school for any reason before graduation or completion of a program of studies without transferring

- 1 to another school and has not received a certificate from a program of
2 equivalency or has not progressed in a traditional high school setting.
3 c. A citizen or legal resident of the United States.
4 d. Unemployed or underemployed.
5 e. Not currently on parole or probation and not accused or convicted of
6 a crime that would be considered a felony if the individual was an
7 adult.
8 f. Free from use of illegal drugs or substances.
9 g. Physically and mentally capable to participate in the alternative
10 learning program.

11 **"§ 127A-222. Administration; supervision.**

12 The general supervision and administration of the Academy shall be vested in the North
13 Carolina National Guard Adjutant General. It shall be the duty of the Adjutant General or his or
14 her designee to do all of the following:

- 15 (1) Create a written document that incorporates the terms and conditions imposed
16 on the Academy by the Federal Youth Challenge Program.
17 (2) Organize and establish all rules and regulations for the Academy, as
18 necessary.
19 (3) Direct and control all Academy personnel matters.
20 (4) Oversee and direct the administration and functioning of the alternative
21 learning program offered by the Academy."

22 **SECTION 19E.2.(b)** This section becomes effective October 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-EMNG-H3(S19E.3)i

Emergency Management National Guard
House Appropriations, Justice and Public Safety

BUTNER TIMBER FUND SALE PROCEEDS

SECTION 19E.3.(a) G.S. 146-30 reads as rewritten:

"§ 146-30. Application of net proceeds.

(a) The net proceeds of any disposition made in accordance with this Subchapter shall be handled in accordance with the following priority:

- (1) First, in accordance with the provisions of any trust or other instrument of title whereby title to real property was acquired.
- (2) Second, as provided by any other act of the General Assembly.
- (3) Third, by depositing the net proceeds with the State Treasurer.

Nothing in this section, however, prohibits the disposition of any State lands by exchange for other lands, but if the appraised value in fee simple of any property involved in the exchange is at least twenty-five thousand dollars (\$25,000), then the exchange shall not be made without consultation with the Joint Legislative Commission on Governmental Operations.

...

(d) Notwithstanding any other provision of this Subchapter, the following exceptions apply:

...

- (8) The net proceeds derived from the sale of any portion of the land owned by the State in the Camp Butner reservation shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Health and Human Services to make capital improvements on or to property owned by the State in the Camp Butner reservation subject to approval by the Office of State Budget and Management. The net proceeds derived from the sale of timber from land owned by the State in the Camp Butner reservation shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Public Safety to be used to support the North Carolina National Guard's Camp Butner Training Center and other North Carolina National Guard-operated Training Centers. The definition of "Camp Butner reservation" in G.S. 122C-3 applies to this subdivision.

...."

SECTION 19E.3.(b) This section becomes effective July 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-EMNG-H4(S19E.4)-P

Emergency Management National Guard
House Appropriations, Justice and Public Safety

NORTH CAROLINA NATIONAL GUARD JOB ACT

SECTION 19E.4.(a) Article 13 of Chapter 126 of the General Statutes is amended by adding a new section to read:

"§ 126-80.5. National Guard preference.

(a) It shall be the policy of the State of North Carolina that, in recognition and appreciation for service to the State and this country, and in recognition of the time and advantage lost toward the pursuit of a civilian career, an eligible member of the National Guard as defined in G.S. 126-81(4) shall be granted preference in employment for positions subject to the provisions of this Chapter with every State department, agency, and institution.

(b) In all evaluations of applicants for positions with this State or any of its departments, agencies, or institutions, a preference shall be awarded to all eligible members of the National Guard who are citizens of the State. This preference applies to initial employment and extends to other employment events, including a subsequent hiring, promotion, reassignment, or horizontal transfer.

(c) The provisions of this section shall be subject to the provisions of Article 9 of Chapter 143B of the General Statutes."

SECTION 19E.4.(b) G.S. 126-81 reads as rewritten:

"§ 126-81. Definitions.

~~As used in this Article:~~ The following definitions apply in this Article:

- (1) ~~"A period of war" includes~~ Period of war. – World War I (April 16, 1917, through November 11, 1918), World War II (December 7, 1941, through December 31, 1946), the Korean Conflict (June 27, 1950, through January 31, 1955), the period of time between January 31, 1955, and the end of the hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.
- (2) ~~"Veteran" means a~~ Veteran. – A person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions.
- (3) ~~"Eligible veteran" means:~~ Eligible veteran. – Any of the following:
 - a. ~~A veteran who served during a period of war;~~ or war.
 - b. ~~The spouse of a disabled veteran;~~ or veteran.
 - c. ~~The surviving spouse or dependent of a veteran who dies on active duty during a period of war either directly or indirectly as a result of such service;~~ or service.
 - d. ~~A veteran who suffered a service-connected disability during peacetime;~~ or peacetime.
 - e. ~~The spouse of a veteran described in subdivision~~ sub-subdivision d. of this subsection; ~~or subdivision.~~

- 1 f. The surviving spouse or dependent of a person who served in the
2 Armed Forces of the United States on active duty, for reasons other
3 than training, who died for service-related reasons during peacetime.
4 (4) Eligible member of the National Guard. – Any of the following:
5 a. A resident of North Carolina who is a current member in good standing
6 of either the North Carolina Army National Guard or the North
7 Carolina Air National Guard.
8 b. A resident of North Carolina who is a former member of either the
9 North Carolina Army National Guard or the North Carolina Air
10 National Guard, whose discharge is under honorable conditions with
11 a minimum of six years of creditable service.
12 c. The surviving spouse and dependent of a member of the North
13 Carolina Army National Guard or the North Carolina Air National
14 Guard who dies on State active duty either directly or indirectly as a
15 result of that service.
16 d. The surviving spouse or dependent of a member of the North Carolina
17 National Guard who died for service-related reasons during
18 peacetime."

19 **SECTION 19E.4.(c)** G.S. 128-15 reads as rewritten:

20 **"§ 128-15. Employment preference for veterans and their spouses or surviving spouses.**

21 (a) It shall be the policy of the State of North Carolina that, in appreciation for their
22 service to this State and this country during a period of war, and in recognition of the time and
23 advantage lost toward the pursuit of a civilian career, veterans and eligible members of the
24 National Guard shall be granted preference in employment with every State department, agency,
25 and institution.

26 (b) As used in this section:

- 27 (1) ~~"A period of war" includes~~ Period of war. – World War I (April 16, 1917,
28 through November 11, 1918), World War II (December 7, 1941, through
29 December 31, 1946), the Korean Conflict (June 27, 1950, through January 31,
30 1955), the period of time between January 31, 1955, and the end of the
31 hostilities in Vietnam (May 7, 1975), or any other campaign, expedition, or
32 engagement for which a campaign badge or medal is authorized by the United
33 States Department of Defense.
34 (2) ~~"Veteran" means a~~ Veteran. – A person who served in the Armed Forces of
35 the United States on active duty, for reasons other than training, and has been
36 discharged under other than dishonorable conditions.
37 (3) ~~"Eligible veteran" means:~~ Eligible veteran. – Any of the following:
38 a. A veteran who served during a period of war; or war.
39 b. The spouse of a disabled veteran; or veteran.
40 c. The surviving spouse or dependent of a veteran who dies on active
41 duty during a period of war either directly or indirectly as the result of
42 such service; or service.
43 d. A veteran who suffered a disabling injury for service-related reasons
44 during peacetime; or peacetime.
45 e. The spouse of a veteran described in subdivision-sub-subdivision d. of
46 this subsection; or subdivision.
47 f. The surviving spouse or dependent of a person who served in the
48 Armed Forces of the United States on active duty, for reasons other
49 than training, who dies for service-related reasons during peacetime.
50 (4) Eligible member of the National Guard. – Any of the following:

- 1 a. A resident of North Carolina who is a current member in good standing
2 of either the North Carolina Army National Guard or the North
3 Carolina Air National Guard.
4 b. A resident of North Carolina who is a former member of either the
5 North Carolina Army National Guard or the North Carolina Air
6 National Guard, whose discharge is under honorable conditions with
7 a minimum of six years of creditable service.
8 c. The surviving spouse and dependent of a member of the North
9 Carolina Army National Guard or the North Carolina Air National
10 Guard who dies on State active duty either directly or indirectly as a
11 result of that service.
12 d. The surviving spouse or dependent of a member of the North Carolina
13 National Guard who died for service-related reasons during peacetime.

14 (c) Hereafter, in all evaluations of applicants for positions with this State or any of its
15 departments, institutions or agencies, a preference shall be awarded to all eligible veterans and
16 eligible members of the National Guard who are citizens of the State and who served the State
17 or the United States honorably in the military forces of this State or of the United States during
18 a period of war. This preference applies to initial employment with the State and extends to other
19 employment events including subsequent hirings, promotions, reassignments, and horizontal
20 transfers.

21 (d) The provisions of this section shall be subject to the provisions of Article 1 of Chapter
22 165 of the General Statutes, G.S. 126-83, and Parts 13 and 19 of Article 9 of Chapter 143B of
23 the General Statutes."

24 **SECTION 19E.4.(d)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-EMNG-H5(S19E.5)-P

Emergency Management National Guard
House Appropriations, Justice and Public Safety

COMPETITIVE EMERGENCY MANAGEMENT GRANTS

SECTION 19E.5.(a) The funds appropriated in this act to the Department of Public Safety, Division of Emergency Management, to provide competitive grants to county emergency management agencies established in accordance with G.S. 166A-19.15 shall only be awarded to county emergency management agencies located in counties with a population of 210,000 or fewer, based upon the 2019 Certified County Population Estimates from the State Demographer in the Office of State Budget and Management. Grants shall be used to ensure local emergency management offices are adequately equipped, trained, and prepared for all hazards and emergencies. The Division shall develop policies and procedures to implement a competitive grant program consistent with this section.

SECTION 19E.5.(b) The Division shall report on the awarding of grant funds pursuant to subsection (a) of this section by January 15, 2022, and by January 15 of each year thereafter until the funds appropriated by this section are expended.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-EMNG-H6(S19E.6)-P

Emergency Management National Guard
House Appropriations, Justice and Public Safety

EMERGENCY MANAGEMENT ACT REVISIONS

SECTION #.(a) G.S. 166A-19.3 is amended by adding the following new subdivisions to read:

"(2d) Concurrence of the Council of State. – The consensus, within 48 hours of contact, of a majority of the Council of State prior to the Governor exercising a power or authority requiring a concurrence of the Council of State. The Governor shall document the contact and response of each Council of State member and shall release the concurrence, nonconcurrence, or no response provided by each member by name and position. Any failure to respond to the Governor within the 48 hours of contact shall be deemed a concurrence by the member of the Council of State failing to respond. All documentation of the contact and response of each member of the Council of State shall be a public record.

(2m) Council of State. – The Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, or any interim officer or acting officer appointed in accordance with Section 7 of Article III of the State Constitution.

...

(20) Statewide emergency area. – Any emergency area applicable to two-thirds or more of the counties in this State."

SECTION #.(b) G.S. 166A-19.20 reads as rewritten:

"§ 166A-19.20. Gubernatorial or legislative declaration of state of emergency.

(a) Declaration. – A state of emergency may be declared by the Governor or by a resolution of the General Assembly, if either of these finds that an emergency exists.

(b) Emergency Area. – An executive order or resolution declaring a state of emergency shall include a definition of the area constituting the emergency area.

(c) Expiration of States of Emergency. – A state of emergency declared pursuant to this section shall expire as follows:

(1) If not a statewide emergency area, when it is rescinded by the authority that issued it.

(2) If a statewide emergency area, seven calendar days after issuance without a concurrence of the Council of State. A declaration of emergency may not be extended without the concurrence of the Council of State. Any such extension shall not be for more than 30 days without further concurrence of the Council of State.

(c1) Effect of Failure of Concurrence of the Council of State. – If the concurrence of the Council of State fails with the issuance or extension of a declaration of emergency under subdivision (c)(2) of this section, the Governor shall not issue the same or any other substantially similar declarations of emergency based on the same emergency.

1 (c2) Multiple Declarations to Avoid Concurrence of Council of State. – If the Governor
2 declares more than one state of emergency based on the same emergency that would extend the
3 application of the emergency area, when combined, to more than two-thirds of the counties in
4 the State, the Governor shall obtain the concurrence of the Council of State in accordance with
5 subdivision (c)(2) of this section for each declaration of emergency.

6 (d) Exercise of Powers Not Contingent on Declaration of Disaster Type. – Once a state
7 of emergency has been declared pursuant to this section, the fact that a declaration of disaster
8 type has not been issued shall not preclude the exercise of powers otherwise conferred during a
9 state of emergency.

10 (e) Extra Session; Emergency Transportation Expenditures. – The General Assembly
11 considers a determination by the Secretary of Transportation under G.S. 136-44.2E(f) that
12 anticipated emergency expenses will exceed the funds in the Transportation Emergency Reserve
13 within the meaning of the term "extraordinary occasions," and therefore the Governor is
14 authorized to convene the General Assembly in Extra Session under Section 5(7) of Article III
15 of the North Carolina Constitution. The General Assembly strongly urges the Governor to
16 convene the General Assembly in Extra Session within 14 days of notice by the Secretary under
17 G.S. 136-44.2E(f) for the purpose of appropriating funds from the Savings Reserve to the
18 Emergency Reserve to address the transportation needs of the State necessitated by a major
19 disaster."

20 **SECTION #.(c)** G.S. 166A-19.30 is amended by adding a new subsection to read:

21 "(c1) Upon exercise of any of the powers granted in subsection (c) of this section, the
22 following shall apply:

23 (1) The Governor shall notify the affected local authorities immediately upon
24 exercising any of the powers and any extensions thereof.

25 (2) In exercising any of the powers, notwithstanding subdivision (c)(1) of this
26 section, the Governor shall obtain a concurrence of the Council of State.

27 (3) The duration of the exercise of any power by the Governor shall expire in
28 accordance with G.S. 166A-19.20."

29 **SECTION #.(d)** G.S. 130A-20 reads as rewritten:

30 "**§ 130A-20. Abatement of an imminent hazard.**

31 (a) ~~If the Secretary or a local health director determines that an imminent hazard exists,~~
32 ~~the Secretary or a local health director may order the owner, lessee, operator, or other person in~~
33 ~~control of the a specific identified property to abate the imminent hazard or may, after notice to~~
34 ~~or reasonable attempt to notify the owner, lessee, operator, or other person in control of the~~
35 ~~property enter upon any the specific identified property and take any action necessary to abate~~
36 ~~the imminent hazard. If the Secretary or a local health director abates the imminent hazard, the~~
37 ~~Department or the local health department shall have a lien on the property of the owner, lessee,~~
38 ~~operator, or other person in control of the specific identified property where the imminent hazard~~
39 ~~existed for the cost of the abatement of the imminent hazard. The lien may be enforced in~~
40 ~~accordance with procedures provided in Chapter 44A of the General Statutes. The lien may be~~
41 ~~defeated by a showing that an imminent hazard did not exist at the time the Secretary or the local~~
42 ~~health director took the action. The owner, lessee, operator, or any other person against whose~~
43 ~~property the lien has been filed may defeat the lien by showing that that person was not culpable~~
44 ~~in the creation of the imminent hazard.~~

45 (b) ~~The Secretary of Environmental Quality and a local health director shall have the~~
46 ~~same rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9~~
47 ~~and 10 of this Chapter.~~

48 (c) The Secretary shall have the authority to determine that a class or category of property
49 uses presents a statewide imminent hazard. For a period of no more than seven calendar days,
50 the Secretary may order owners, operators, or other persons in control of that class or category
51 of property uses to abate the statewide imminent hazard. If the Secretary has notified the

1 Governor, and the Governor has received the concurrence of the Council of State, such order
2 may be extended for up to 30 days at a time. The Secretary may, after notice to or reasonable
3 attempt to notify the owners, operators, or other persons in control of a specific property not
4 complying with the order of abatement, enter upon the property and take any action necessary to
5 abate the imminent hazard. If the Secretary's orders under this subsection would extend the
6 application of the class or categories of properties in areas, when combined, to statewide
7 application, the Secretary shall notify the Governor, and the Governor shall seek the concurrence
8 of the Council of State in accordance with this subsection prior to extension of any of the orders.

9 (d) The Secretary of Environmental Quality, in accordance with subsection (c) of this
10 section, may enforce the provisions of Articles 9 and 10 of this Chapter.

11 (e) For purposes of this section, the following definitions shall apply:

12 (1) Concurrence of the Council of State. – As defined in G.S. 166A-19.3(2d).

13 (2) Statewide. – Two-thirds or more of the counties in this State."

14 **SECTION #.(e) G.S. 130A-145 reads as rewritten:**

15 **"§ 130A-145. Quarantine and isolation authority.**

16 (a) The State Health Director and a local health director are empowered to exercise
17 quarantine and isolation ~~authority.~~ authority in accordance with this section. Quarantine and
18 isolation authority shall be exercised only when and so long as the public health is endangered,
19 all other reasonable means for correcting the problem have been exhausted, and no less restrictive
20 alternative exists.

21 (b) No person other than a person authorized by the State Health Director or local health
22 director shall enter quarantine or isolation premises. Nothing in this subsection shall be construed
23 to restrict the access of authorized health care, law enforcement, or emergency medical services
24 personnel to quarantine or isolation premises as necessary in conducting their duties.

25 (c) Before applying quarantine or isolation authority to livestock or poultry for the
26 purpose of preventing the direct or indirect conveyance of an infectious agent to persons, the
27 State Health Director or a local health director shall consult with the State Veterinarian in the
28 Department of Agriculture and Consumer Services.

29 (d) When quarantine or isolation limits the freedom of movement of a person or animal
30 or of access to a person or animal whose freedom of movement is limited, the period of limited
31 freedom of movement or access shall not exceed 30 calendar days. Any person substantially
32 affected by that limitation may institute in superior court in Wake County or in the county in
33 which the limitation is imposed an action to review that limitation. The official who exercises
34 the quarantine or isolation authority shall give the persons known by the official to be
35 substantially affected by the limitation reasonable notice under the circumstances of the right to
36 institute an action to review the limitation. If a person or a person's representative requests a
37 hearing, the hearing shall be held within 72 hours of the filing of that request, excluding Saturdays
38 and Sundays. The person substantially affected by that limitation is entitled to be represented by
39 counsel of the person's own choice or if the person is indigent, the person shall be represented by
40 counsel appointed in accordance with Article 36 of Chapter 7A of the General Statutes and the
41 rules adopted by the Office of Indigent Defense Services. The court shall reduce or terminate the
42 limitation unless it determines, by the preponderance of the evidence, that the limitation is
43 reasonably necessary to prevent or limit the conveyance of a communicable disease or condition
44 to others.

45 (e) If the State Health Director or the local health director determines that a
46 30-calendar-day limitation on freedom of movement or access is not adequate to protect the
47 public health, the State Health Director or local health director must institute in superior court in
48 the county in which the limitation is imposed an action to obtain an order extending the period
49 of limitation of freedom of movement or access. If the person substantially affected by the
50 limitation has already instituted an action in superior court in Wake County, the State Health
51 Director must institute the action in superior court in Wake County or as a counterclaim in the

1 pending case. Except as provided below for persons with tuberculosis, the court shall continue
2 the limitation for a period not to exceed 30 days if it determines, by the preponderance of the
3 evidence, that the limitation is reasonably necessary to prevent or limit the conveyance of a
4 communicable disease or condition to others. The court order shall specify the period of time the
5 limitation is to be continued and shall provide for automatic termination of the order upon written
6 determination by the State Health Director or local health director that the quarantine or isolation
7 is no longer necessary to protect the public health. In addition, where the petitioner can prove by
8 a preponderance of the evidence that quarantine or isolation was not or is no longer needed for
9 protection of the public health, the person quarantined or isolated may move the trial court to
10 reconsider its order extending quarantine or isolation before the time for the order otherwise
11 expires and may seek immediate or expedited termination of the order. Before the expiration of
12 an order issued under this section, the State Health Director or local health director may move to
13 continue the order for additional periods not to exceed 30 days each. If the person whose freedom
14 of movement has been limited has tuberculosis, the court shall continue the limitation for a period
15 not to exceed one calendar year if it determines, by a preponderance of the evidence, that the
16 limitation is reasonably necessary to prevent or limit the conveyance of tuberculosis to others.
17 The court order shall specify the period of time the limitation is to be continued and shall provide
18 for automatic termination of the order upon written determination by the State Health Director
19 or local health director that the quarantine or isolation is no longer necessary to protect the public
20 health. In addition, where the petitioner can prove by a preponderance of the evidence that
21 quarantine or isolation was not or is no longer needed for protection of the public health, the
22 person quarantined or isolated may move the trial court to reconsider its order extending
23 quarantine or isolation before the time for the order otherwise expires and may seek immediate
24 or expedited termination of the order. Before the expiration of an order limiting the freedom of
25 movement of a person with tuberculosis, the State Health Director or local health director may
26 move to continue the order for additional periods not to exceed one calendar year each.

27 (f) Notwithstanding the first sentence of subsection (d) of this section, for a period of no
28 more than seven calendar days, the State Health Director shall have the authority to determine
29 and order that a class or category of persons or animals need to be quarantined or isolated to
30 protect the public health. If such an order under this section applies statewide, the State Health
31 Director may move the court for extensions of the order in accordance with subsection (d) of this
32 section after the State Health Director has notified the Governor, and the Governor has received
33 the concurrence of the Council of State. If such an order applies less than statewide, the State
34 Health Director may move the court for extension of the order in accordance with subsection (d)
35 of this section. If the State Health Director's orders under this subsection would extend the
36 application of the class or categories in areas, when combined, to statewide application, the State
37 Health Director shall notify the Governor, and the Governor shall seek the concurrence of the
38 Council of State in accordance with this subsection prior to moving the court for the extension
39 of any of the orders.

40 (g) For purposes of this section, the following definitions shall apply:

41 (1) Concurrence of the Council of State. – As defined in G.S. 166A-19.3(2d).

42 (2) Statewide. – Two-thirds or more of the counties in this State."

43 **SECTION #.(f)** This section is effective when it becomes law and applies to the
44 exercise of power under a state of emergency or declaration of emergency existing on or after
45 that date or any order of abatement issued on or after that date. Any power exercised under a
46 state of emergency or declaration of emergency existing on that date that would require a
47 concurrence of the Council of State under G.S. 166A-19.20 or G.S. 166A-19.30, as amended by
48 this section, shall expire two days after this section becomes law unless a concurrence of the
49 Council of State is sought and received in accordance with G.S. 166A-19.20 or G.S. 166A-19.30,
50 as amended by this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Drafting
SPECIAL PROVISION



2021-EMNG-H7(S19E.7)i

Emergency Management National Guard
House Appropriations, Justice and Public Safety

NORTH CAROLINA OFFICE OF RECOVERY AND RESILIENCY

SECTION 19E.7. Section 5.7(a) of S.L. 2018-136, as amended by Section 12.5 of S.L. 2020-78, reads as rewritten:

"SECTION 5.7.(a) The Office of Recovery and Resiliency (Office) is created in the Department of Public Safety. The Office shall execute multi-year recovery and resiliency projects and administer funds provided by the Community Development Block Grant Disaster Recovery program.

"SECTION 5.7.(a1) The Secretary may reassign up to 15 existing positions of the Division of Emergency Management to the Office. In addition, the Secretary may create new ~~three-year time-limited positions.~~ positions if State and federal funds are available to support those positions. The reassigned positions assigned to the Office shall retain the employment status of the positions at the time of the reassignment after implementation of this act is completed. The ~~three-year time-limited new positions created in this section shall be temporary positions based upon availability of State and federal funds and are exempt from the provision of the State Human Resources Act, Chapter 126 of the General Statutes, except Articles 6 and 7 of that Chapter.~~

"SECTION 5.7.(a2) The Office will provide general disaster recovery coordination and public information; citizen outreach and application case management; audit, finance, compliance, and reporting on disaster recovery funds; and program and construction management services. The Office shall also contract for services from vendors specializing in housing, construction, and project management services."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-EMNG-H10-P

Emergency Management National Guard
House Appropriations, Justice and Public Safety

Requested by

STATEWIDE IMPLEMENTATION OF PANIC ALARM APPLICATION

SECTION #.(a) Of the funds appropriated in this act to the Department of Public Safety, Division of Emergency Management (Division), the sum of four million four hundred sixty-two thousand four hundred seventy-five dollars (\$4,462,475) in nonrecurring funds for the 2021-2022 fiscal year shall be used to contract with a vendor to implement a statewide panic alarm application in accordance with this section.

SECTION #.(b) Of the funds appropriated in this act to the Division, the sum of two hundred twenty thousand dollars (\$220,000) in recurring funds for the 2021-2023 fiscal biennium shall be used to manage the application once implemented.

SECTION #.(c) By December 1, 2021, the Division shall implement and maintain a statewide panic alarm application that meets the requirements prescribed in G.S. 115C-105.51(c) and is available to all employees of public secondary schools, as that term is defined in G.S. 115C-105.51(g), in collaboration with the Department of Public Instruction, Division of School Operations, and the Centers for Safer Schools. When implementing and maintaining the statewide panic alarm application, the Division shall consider results from the School Panic Alarm Pilot Program conducted in the 2017-2018 fiscal year and the recommendations of the May 2018 report entitled "Panic Alarm Solution for North Carolina K-12 Public Schools."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-EMNG-H11-P

Emergency Management National Guard
House Appropriations, Justice and Public Safety

Requested by

NCORR ADDITIONAL POSITIONS

SECTION #.(a) Of the funds appropriated to the Department of Public Safety, Office of Recovery and Resiliency, the sum of three hundred fifty-six thousand six hundred seventeen dollars (\$356,617) in recurring funds for each fiscal year of the 2021-2023 biennium shall be used to support three full-time equivalent positions to (i) carry out resiliency programming which may include advising State decision makers on recovery and resiliency activities, (ii) lead and coordinate resiliency efforts across State and federal agencies, regional and local governments, public higher education, and other public and private stakeholders, (iii) provide expertise and technical support to communities for resiliency planning and projects to protect communities from flooding and other natural disasters, and (iv) coordinate and assist with the implementation of disaster recovery and resiliency projects through the Office. Pursuant to G.S. 143B-1040(d), as enacted by Section # of this act, the Office may locate and station Office employees in key regions to foster partnerships with councils of government in order to address capacity gaps and to aid local governments to access federal funds for recovery and resiliency projects and activities.

SECTION #.(b) The Office of State Budget and Management is directed to create a fund code within the Department of Public Safety, Office of Recovery and Resiliency, to house the staff of the Office.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2021

Proofed
SPECIAL PROVISION



2021-EMNG-H12-P

Emergency Management National Guard
House Appropriations, Justice and Public Safety

Requested by

NORTH CAROLINA PIEDMONT RADAR STUDY

SECTION #.(a) The Department of Public Safety, Division of Emergency Management (Division), shall study the feasibility of closing the radar gap over the Piedmont region of North Carolina. In conducting the study, the Division shall consult with the National Weather Service, local stakeholders, and other interested parties in order to complete the study. The Division shall include in the feasibility study, at a minimum, all of the following:

- (1) Entities able to assist in the implementation of new radar infrastructure, including local governments, federal agencies, nonprofit organizations, associations, and other entities specializing in weather or radar monitoring.
- (2) Exact sites of radar infrastructure, construction cost estimates, operational and maintenance cost estimates, and other considerations related to the installation, operation, and maintenance of radar infrastructure at each site over the life span of the radar infrastructure.
- (3) Types of radar infrastructure necessary to provide a network of radar coverage for the Piedmont region, including C-band radar and X-band radar.
- (4) Identification of federal funds eligible for cost share for the radar projects, and a plan to secure federal funding prior to the implementation of the radar projects, if feasible.

SECTION #.(b) No later than May 1, 2022, the Division shall submit the results of the study to the chairs of the House Appropriations Committee on Justice and Public Safety, the chairs of the Senate Appropriations Committee on Justice and Public Safety, and the Fiscal Research Division.